

# The Nation.

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## The Week.

CONGRESS has been hard at work during the week, and has disposed of a large number of private and public bills. Mr. Sherman's Funding Bill was passed in the Senate on Tuesday, with some modifications. Mr. Butler's bill to tax the interest on the bonds has been quietly killed, and will have to take some new form before it will again be heard of. The Electoral College Bill, amended, was passed in the Senate by a vote of 28 to 5, and in the House by 112 to 21. Mr. Johnson will of course veto it, and it will, no doubt, be at once passed. As before, when it appeared as a joint resolution, the bill had Mr. Trumbull's opposition. Florida, North Carolina, and Louisiana being already present in Congress in the persons of their representatives, and having otherwise complied with the conditions laid down in the bill, it seems strange that there should have been any thought of including them in a bill whose justification is that some bill is necessary for the prevention of doubt and confusion next March. Every argument for the passage of such a measure is an argument against making it wider than is necessary, and we are unable to see why, if Florida is put in, Tennessee should be left out. The Freedmen's Bureau goes out of existence—except as regards its function of educating the children—on the first of January next, in all the States which are by that time fully restored. Mr. Garfield, of the Military Committee, has had the pleasure, as Mr. Schenck had the other week, of seeing his work taken out of his hands and altered by Mr. Butler. We are unable to say that Mr. Butler's alterations were not improvements. He still further reduced the number of major-generals and brigadiers, already made small by Mr. Garfield's bill—made quite as small, Mr. Garfield would probably say, as the exigencies of the service permit. However, Mr. Butler, with the help of the Democrats, got his amendment through. The army is shrunk by the new bill to something like 25,000 men. Mr. Reverdy Johnson on Thursday bade farewell to his fellow-senators, and being unable to read his remarks prepared for the occasion, they were read for him by Senator Vickers. The proceedings of the Democratic Convention were discussed in both House and Senate as soon as the names of the nominees were known. The tall talk of General Blair's letter gave occasion to draw once more the old line, and the discussion turned on treason and loyalty. Evidently the Republican Senators and Representatives are very well satisfied that they are to fight Seymour, and will not feel so much anxiety to adjourn and take the stump as they might have felt if the Democrats had taken Chase or Hancock or Hendricks. On Tuesday the House voted to pay for Alaska.

The party generally throughout the country is of the same mind, so far as we can judge from the newspapers, whether Democratic or Republican. The *World* is "trembling with courage," and boldly assumes the election of its candidate; speaking of him as President

Seymour, making remarks about his cabinet, and even awarding the succession to Mr. Pendleton. Its abuse of Grant is another indication of its confidence in the result. But the Democratic press generally is not enthusiastic at all. On the other hand, the Republicans congratulate each other on the now perfectly assured success of Grant and Colfax—although, as the *Tribune* showed the other day, a change of about thirty-six thousand in the popular vote of 1864 would have made McClellan President, though he carried but three States in the electoral college. We shall, however, we have no doubt, see work enough done in the course of the next three months. While the convention was in session, and ever since, the weather in this region has been of such almost unexampled severity of heat that we see not many signs as yet of the liveliness that was expected to mark the Republican camp as soon as the Democrats had put their man up. It is too hot for anything more than the quietest of quiet satisfaction that Seymour is the nominee.

The only person who can really be said to have suffered seriously at the hands of the Convention is Chief-Justice Chase. In spite of all his efforts, and in spite too of the amazing readiness he displayed during the last few days to swallow Democratic propositions, no matter how bristly or how sinuous, he did not obtain any higher recognition than four votes. Had he got the nomination he would have incurred dislike and contempt in about equal proportions. As it is, although he is just as bad as if he had succeeded, we fancy the contempt largely preponderates in the popular feeling about him. He has the satisfaction of knowing, too, that he has destroyed popular confidence in his decisions, and that no weight whatever will hereafter attach to any judgment of his on any one of the great constitutional questions arising out of the rebellion and reconstruction which will doubtless come before his Court. It was quite evident, two years ago, when he was haranguing negroes, and going to Ohio to vote for "the great party," etc., that some such fate as this would come upon him eventually, but we hardly thought it would come so soon. We notice a good deal of fuss amongst some of our contemporaries now about his "dragging his silk gown in the mire." If they had made this fuss a year ago, instead of encouraging him in his folly, they might have saved him; and he, had he listened to the teachings of human experience, and the great traditions of the judicial bench, instead of editorial bosh, might have furnished coming generations with an example, instead of a warning.

In spite of the Chief-Justice's moral downfall, the conviction appears to grow steadily amongst the Democrats, that it would have been better to take him just as he is than do what they have done, and there are still rumors of the formation of a third party, of course with the Chief-Justice at its head. Whether these rumors will ripen into facts is, however, more than doubtful. A second nomination now would be tantamount to defeat, and it would be a confession of imbecility which Democratic politicians are hardly likely to make. A notable feature of the campaign thus far is the absence of "enthusiasm." Grant seems carefully to avoid the whole of the theatrical apparatus commonly used to excite it, and it shows both his honesty and good sense. Enthusiasm, however useful when great dangers are to be faced, and great sacrifices to be borne, ought to play as small a part as possible in the ordinary political work of an intelligent, educated people. It is mostly demagogues who profit by it, as it generally enables them to fix people's attention on things indifferent, and draw it away from things important, as when, for instance, a voter is so wrought up by a candidate's face, or figure, or oratory, or gait, or costume, or celebrated sayings, that he forgets all about his char-

acter and capacity. It is high time for the Republican party, at least, to leave it to the Democrats, and even amongst the Democrats, we have no doubt, it will be before many years confined to the latest products of the New York naturalization mill.

To the *Sun* is largely due whatever approach Chief-Justice Chase made recently to getting the Democratic nomination. We do not say it suggested to him, or to anybody else, the idea of his becoming the Democratic candidate; but it certainly familiarized his mind and that of the public with it, and made it seem feasible. The subsequent miscarriage of the scheme we cannot help ascribing to the Chief-Justice's own meddling. Had he kept quiet, and written no letters and had no interviews, and left the matter in the hands of the *Sun*, we do not say he would have got the nomination, but he would have avoided a good deal of the humiliation under which he now labors. The *Sun* is now engaged in trying to get a suitable office for Mr. Greeley, and has pressed him hard for the governorship. We sincerely hope it may be able to provide him with something satisfactory. Its want of success hitherto with him and the Chief-Justice will not discourage it, we know, for it acts from far higher motives than mere desire of success. The difficulty it has to contend with in Mr. Greeley's case is peculiar. In public, few members of conventions have the courage to deny his fitness for any office in the country, and we verily believe that if he were proposed for the Chief-Justiceship of the Supreme Court or the command of the fleet, there would be clergymen and country politicians found to maintain openly that he was equally well fitted to hear appeals in admiralty or to be an admiral himself—such are the terrors inspired by his editorial cowskin. But the minute the voting by ballot begins, the cowardly fellows repudiate him under the veil of secrecy. The business of the *Sun* will be, therefore, to secure *viâ* voce voting on his claims, and, as soon as it does this, our word for it, its efforts will be crowned by his nomination.

We think it is high time that the persons, whoever they may be, who are working to get the pensions of the soldiers and sailors repudiated, and have their widows and orphans forgotten, should be exposed. As every political convention, of all parties, which has met since 1864, has solemnly declared its determination to have these pensions paid, and the widows and orphans held in remembrance, it is, of course, impossible to doubt that secret efforts are being made by the evil-disposed to make the soldiers and sailors the victims of a cruel and outrageous breach of faith. We are glad, of course, to find that they meet with no encouragement from politicians; but we do think the politicians ought to reveal their names to the public, so that popular indignation may be brought to bear on them. Men who are capable of baseness of this kind are capable of anything, and will probably before long attack the pensions of the War of 1812, and to prevent their doing further mischief, they should be put under the surveillance of the public eye.

We begin to get our regular allowance of that pleasant literature which is in season during Presidential campaigns, and this fall's crop is likely to be a luxuriant one. The *Times* has just made the usual request to the other papers not to be indecent and scurrilous, and the *World* has made the remark that "it is easy to see what kind of a campaign the Radicals intend making it, namely, a campaign of defamation." After this it is in order to begin at once making enquiries into the hereditary diseases of the candidates, the number of indictments which were at one time out against the father of either of them, the thefts each committed in boyhood, and other matters of the same sort. We learn that General Blair was always the tyrant that we now know him to be. It appears (and the man whose shirt Blair sunk was in the late Democratic Convention) that when Montgomery Blair and Frank were small boys they were bathing with some others in a certain canal, and that Frank Blair, supported by Montgomery, "lit on" a very small boy, took away his shirt, threw it into the water, and sank it. But it turned out, we are further informed, very much as it will with him in the coming campaign; that is to say, he made a mistake; it was his own shirt he sunk. It is a good stroke in this narration to mention that the boy was in the Conven-

tion—it boldly challenges the two Blairs to deny it if they dare do so in the very presence of the witness of their cruelty. Mr. Seymour, we learn, besides writing letters to Clement C. Clay, and negotiating with the Confederate Government, is insane, or rather there is insanity in his family. It breaks out into mania in the males of the house about the fourth of March, when they are fifty-eight years of age. Still, the Blairs and the Southerners are not going to wait, and though Blair would have the succession if Seymour was crazy, as well as if he were killed, there is going to be an assassination some time soon after the inauguration. As for Grant, he is known to be a frightful drunkard—Mr. Phillips being an original authority for the truth of the story, and Mrs. Cady Stanton and the *World* keeping it all going. This naturally brings out an affirmation from an editor in the West, to the effect that Grant's complexion is beautifully fresh and clear, and contradicts effectively "the rebel lie." Colfax, we are told, once brutally informed a "boy in blue" who called on him (destitute of visiting-cards, he was) that he, Colfax, "had no time for soldiers"—which, it is thought by the Democratic papers, will cause that next November "the soldiers will have no time for him." We also learn from the *World* that a "prominent Union officer," who knows Grant well, has staked his reputation, "while driving with a friend a few days since," that "Grant would proclaim himself a dictator" within twelve months after his inauguration. What we like about this story is its air of close accuracy; the very circumstances under which the "prominent officer" tells the story—in a buggy, taking an airing—being set down in black and white.

General Hancock having attended to the affair of the nomination might probably go back to Texas and try to bring about as good a state of things as he found when he went there. Under Sheridan and Pease the average number of murders committed monthly was, so far as known, nine. This not counting assaults with intent to kill, rapes, and so on, which, added to the murders, made a horrible condition of society—a condition of things so profoundly horrible that, although there was profanity, there was less profanity, we dare say, than at first sight seems in Sheridan's remark, that, if he owned both hell and Texas, he would rent Texas and live in the other place. Since he went away, and the Hancock and Buchanan policy has had full swing, he would have about six times harder work to live in that State. The murders have risen from nine a month to fifty-four. The population, it must be remembered, is not seven hundred thousand. It is as if here in New York City we were to assassinate about seven hundred men, women, and children each year. To help towards the finishing of the picture, it may be said that out of nine hundred murders, one has been avenged by the law. A freedman was the guilty person, and he was hanged. Sometimes they acquit on such grounds as that the prisoner lost his arm in the rebel service. We say nothing of the political aspect of this slaughtering. The facts are set forth in a report on "Lawlessness and Crime," prepared under the direction of our Democratic Constitutional Convention, and possibly there may be exaggeration. But what right has General Buchanan to allow fifty murders to be committed monthly in a part of a Christian country which he has, to a very great extent, under his control, and for the good order of which the people of the United States, represented by him, are, in a peculiar sense, responsible to themselves and the civilized world?

Mr. Julian, of Indiana, has written a letter to the papers, defending the Yo Semite Valley Bill, now before the Senate, and which he reported from the House Committee on Public Lands, on the ground that the action of Congress in presenting the valley to the State could not affect the claims of the two settlers who had duly appropriated two quarter sections under the pre-emption laws, and therefore had a valid title to them against everybody. He says that when the grant was made to the State the claims of these settlers were not known; had they been known, the act of Congress would have excepted them; and he insists upon it that the settlers must be left where they are, and cannot even be bought out without a gross breach of faith and without spreading a sense of insecurity among our pioneers. It is not easy to see, however, why it should be a greater hardship for a pioneer to be bought out for the public benefit than for men in thickly-settled portions of the country.



The latter are called on every year for the surrender of property for public use, and make no complaints, or, if they did, would be laughed at. Moreover, although all Mr. Julian says in praise of the taste, culture, and character of the squatters may be strictly true, they will, like other people, have heirs and assigns who may not possess their virtues.

The flunkey nature seems to remain the same in all climates and under every variety of social and political institutions. A striking example, too, of the way in which it hungers after meanness and malignity, and despises justice and decency, whether the object of its adoration be the crown, the royal family, or "the masses," or "the working-man," or "the party," has just been afforded in Australia, where society in Sydney banded together to ostracize a leading member of the bar, because he, in the exercise of a sacred duty, defended O'Farrell, who made the attempt on Prince Alfred's life. O'Farrell, to the Sydney people, was, of course, "the greatest criminal of the age." So in hunting him down they bade adieu, just as some of their brother flunkies did here a short time ago, both to decorum and common sense. The Bishop of Sydney, as we recently mentioned, gravely informed his clergy that there were fathers in the community who were absolutely so ashamed of having begotten their children in a country so disgraced that they could not look their offspring in the face. This, as a specimen of raging, frantic folly was bad enough, and it was appropriately followed up by the social crusade against O'Farrell's counsel. The prince, however, gave his base admirers a lesson in justice and good manners by insisting that the counsel should be present at every entertainment given in his (the prince's) honor, and also receiving him very warmly on board his own ship. It is not pleasant to see princes teaching civilization to young democratic societies, but it is well they should receive the lesson, from whatever source it may come.

The news from the European continent is meagre and unimportant, and is mostly made up of newspaper rumors. The real makers of news are off at the watering-places or in the mountains seeking repose and health, and the correspondents are thrown back on their wits for wars and alliances and threats and intrigues and coolnesses. The only thing of real moment that has been lately reported is General von Moltke's speech on the naval loan in the German Parliament. Bismark and he want the Confederation to have a good fleet as well as a good army, so that when the next struggle comes Germany will be able to present as bold a front on sea as on land; but the Parliament haggled over the vote for a while, though it at last gave in. General Moltke said, in substance, that there was no chance of peace either through general disarmament or general armament. The first of these expedients, even if practicable, must be temporary; the second, as we see, operates nearly as often in producing as in preventing war. What is wanted, therefore, is an armed nation—such as Germany will be when united—in the centre of Europe, by the very constitution of its society wedded to peace and devoted to peaceful arts, but strong enough in a military sense to forbid war among its neighbors. The remark has produced a good deal of sensation everywhere, but no weightier thought from a weightier man has been uttered for a good while. Universal peace will come when there are enough free and industrial and educated peoples, like the United States and Germany, in the world to prohibit the game of war between kings, and make the love of soldiering for soldiering's sake discreditable.

There has been a most extraordinary debate in the Italian Parliament, arising out of the murder of Signor Cappa, the Royal Procurator, or public prosecutor, in broad daylight, at his own door in Ravenna. It came out in the debate that this was not an isolated case, but one of a long series of organized crimes, of which the public has, until now, heard nothing. A common councillor was stabbed in the same way recently, but it made no sensation, and nobody was brought to justice. The municipality were so thoroughly cowed that they were afraid to send a deputation to Signor Cappa's funeral, or even to utter a word of regret at their meetings. In the Province of Ravenna, containing a population of 209,000, there have been 64 murders in nine months, and convictions are almost unknown. The police are generally afraid to make arrests, and the witnesses refuse to depose, and the juries acquit.

Generally, the malefactors withdraw from the public gaze for a brief period, but this is the only token of respect for the law they ever offer. In Ravenna, cases have occurred in which some of them have drawn bills of exchange on people who owed them nothing, but who, nevertheless, accepted the drafts without hesitation. In fact, the whole province is, and has been long, under the dominion of a large band of assassins, before whom police courts and all officials are powerless. Signor Cappa was sent down by the Government to restore order, and he entered on his task with undaunted courage, arrested 320 of the worst characters, and was preparing to bring them to trial when he was assassinated. The origin of this state of things is said to date back to the days of Papal rule, when the courts and police were so worthless that secret organizations, or vigilance committees, were formed by the citizens to execute justice. These, as might have been expected, soon degenerated into mere instruments of private hatred, and produced a breed of cut-throats who soon drove the decent men out of them, and converted them into bands of brigands. One of the most awful facts in the history of the Church is the moral condition of the provinces over which the priests have been allowed to exercise temporal rule, or even largely to influence the government. There is hardly a doubt that the ideas of law and justice and the moral sense are fainter amongst them than they have been at any time within the historic period.

The Pope has at last opened his spiritual batteries on the Austrian reformers, as it has been for some time expected he would, by the delivery of an allocution which is, it must be confessed, in spite of the familiarity of the world with his opinions and his style, very amusing reading. He says the Austrian Government has passed "an odious law, establishing free liberty for all opinions, liberty of the press, of all faith, and no matter what confession or doctrine; it grants to the members of every confession the right of establishing public schools and colleges, and members of every confession are allowed to be admitted on the same footing with the sanction of the state." Another "abominable law," he says, forces Catholics to allow heretics to be buried in their cemeteries, if the heretics have none of their own; another still, which he stigmatizes in the same way, "suppresses all the influence of the Church over education, decreeing that the whole superior supervision of education, literature, and science, and also the inspection of the schools, appertain to the state, which finally decrees that religious teaching in the public schools must be placed in the hands of the members of each separate confession; that any religious society may open private or special schools for the use of its own youth," and so on. In fact his Holiness denounces as atrocious wickedness the establishment of the same relations between church and state regarding marriage and education which we have here, and threatens everybody concerned in bringing them about with the heaviest ecclesiastical censures. *Apropos* of the ideas entertained by the Catholic clergy regarding their duty in the matter of education, whenever they can secure the power of exercising it, a late utterance of the Bishop of Dordogne, in France, is interesting and instructive. He affirms that "to the Church, and the Church only, Christ gave the right and imposed the duty of teaching mankind."

"It is not that the laity are prohibited from receiving education, especially when science and literature are its object. We put forth no such claim. The Church accepts, encourages, and blesses devotion of every kind; but that which is true, and what we must loudly proclaim, is that every person engaged in teaching is bound in conscience to accept the superintendence and control of the Church. This right of the Church is imperative."

In fact, we need have no hesitation in affirming that the only limits which the Catholic clergy even here impose on themselves touching education is what is imposed by State authority, and that if circumstances should enable them to secure legislation placing the entire control of the schools or school funds of this State in their hands, they would think it a duty to seize the power thus offered them, and to treat the claims or protestations of those opposed to such legislation as of absolutely no consequence. Moreover, they avoid attracting public attention to their pretensions in this matter by resolutely refusing to discuss them publicly, and push their claims simply by quietly influencing Catholic voters and political managers, and, through them, getting all they can, while waiting for all they think they are entitled to.

## THE WORK OF THE CONVENTION.

WHAT is perhaps the most remarkable about the Democratic Convention is that it joins issue with the Republicans on only one point, and that is the proper mode of paying the national debt. Considering the number and variety of the questions which have divided the parties since 1852, the number of things in the Republican policy which the Democrats have opposed since the outbreak of the war; considering, too, the number of outrageous violations of the Constitution, and of all sound principles of government, of which they accuse the Republicans through their press and through their orators, one was naturally led to expect a platform bristling with propositions which Republicans would be compelled to traverse, and on which the people would be enabled to pass at the Presidential election.

For instance, we might reasonably have looked for an affirmation of the right of secession from a party which vehemently denied to the General Government the right to prevent secession by force of arms; and for a demand for compensation for the freeing of the slaves from a party which denied the validity of the Emancipation Proclamation; and for a declaration in favor of free trade from a party which has been a free trade party from its formation, and has treated the high tariffs of the last six years as monsters of absurdity; for a declaration in favor of hard money from a party which has always been the implacable foe of paper issues, and which denied the constitutionality of the issue of the legal tenders; and for a promise to undo the reconstruction work of Congress from a party which has maintained, and does still persistently maintain, the illegality and oppressiveness of every step in it; and, finally, for a declaration in favor of "a white man's government" from a party which has always treated the mental and moral inferiority of the negro race as a fundamental political fact which there is no getting rid of, and on which all political arrangements, in a country in which both races were found, must be based. It must be admitted by anybody who is familiar with the history of the last six years, that there never was a party in a free country which suffered less from lack of controversy. In fact, we do not recall a single case in which a party has been divided from its opponents by so many questions of the highest interest, and questions, too, which go down to the foundations of moral as well as of political science. If the Democracy only believes one-tenth part of what it says, no party has ever taken the field with even one-tenth as much responsibility.

In the platform as it lies before us, however, we find none of these things. The right of slaveholding and that of secession are given up on the ground that they have been "settled by the war, or by the voluntary action of the Southern States," as if a war wrongfully begun and wrongfully conducted could settle any question of constitutional or moral right, and as if the Southern States since the war—if Democratic accounts of their condition be true—have done anything voluntarily. It demands the restoration of the States to their rights in the Union under the Constitution, but deprives the demand of all value either to friend or foe by omitting to state what those rights are. It demands an amnesty for all political offences, but this can offend no one, as nobody has been punished for political offences, and nobody is likely to be. It demands the abolition of the Freedmen's Bureau and the reduction of the army, but the Freedmen's Bureau is already in process of abolition and provision has been made for reducing the army. The seventh article denounces "abuses in administration," and demands the "expulsion of corrupt men from office," one of those exceedingly amusing demands which appear regularly now in the platforms of all parties, and which, as no defender of abuses or of corrupt men ever shows himself *ex nomine* in the flesh in the political arena, must be aimed at some ghostly organization visible only to spiritualists. The doctrine of indefeasible allegiance also, against which the eighth article is aimed, now finds no earthly supporters; the right of the States to regulate the suffrage has been formally conceded by the Republican party; and if there be anybody who proposes to have the public "forget our soldiers and sailors," or refuse to "execute the guaranties given in their favor," he has thus far managed to conceal himself from an indignant community.

Of the abuse of the Republican party, of which the latter portion

of the platform is composed, it must be said that, whether justifiable or unjustifiable, it offers no issues to an adversary. Neither policy nor principle can ever be wrapped up in vituperation, and the applicability of epithets is not a point which can ever be submitted to the people. This particular branch of the controversy between the two parties has to be worked out in the newspapers and on the stump, and to them we may safely hand it over in the full assurance that the Democrats will by next November have got as good as they will have given.

There therefore remains only one point on which the Democratic party offers to do battle. Out of the hosts of principles which it has upheld at one time or another during its long and checkered career; out of that vast collection of grievances which it has accumulated since 1860, and in describing which it borrows the language of the oppressed in the worst of past ages, it produces nothing worthy of being embodied in a positive proposition and fought for at the election. It has no reform to call for; it does not offer to carry any reform out, either in the administration of the Government or in the machinery of the administration. It goes into the canvass simply to maintain the doctrine that, wherever in a national promise to pay money the word "coin" is not mentioned, the debt shall be paid in "lawful money of the United States"—that is, in another promise to pay issued by the same debtor—and that the representations made in explanation of the original instrument by the officers of the Government, and the understanding of those who lent the money, and which has remained undisturbed for four years, shall count for nothing. Such a "battle-cry" as this coming from any political party would be singular enough; there was only one thing needed to make it by far the most singular battle-cry of history, and that was, that the party raising it should be a party which has always maintained that paper money issued by Government is not and cannot be "lawful money," and that, therefore, the currency in which it calls for the payment of Government debts is not simply inferior in value to coin, but has no value whatever; and this one thing the battle-cry in question has. The Democratic party, after many changes and reverses, at last takes the field in support of a compound swindle, made up partly of fraudulent bankruptcy and partly of uttering counterfeit money.

We know very well what satisfaction this extraordinary performance has given, and is giving, to the Republicans. The platform, combined with the character of the candidates who have been selected to stand upon it, seems to render Democratic success hopeless, unless, indeed, all principle and all honor have deserted the American people. The triumph, at the close of the war, of a party which put forth no claim to public confidence except its willingness in the richest country in the world to cheat the public creditor (we again repeat that all talk of "the letter of the law," in a discussion between a government and its creditors as to the rights of the latter, simply adds impudence to knavery), would indicate a degree of moral debasement which would certainly puzzle both preachers and philosophers, and would greatly increase the doubts and misgivings with which so many thoughtful and intelligent men are looking into the moral future of the world. We have, we confess, no doubt whatever about the result of the election; but we shall not be satisfied with simple victory. Nobody who has watched the proceedings of the Convention, has seen the influences which controlled it, and knows anything of the men who managed it, or of the ideas of government which were dominant in it, and who believes that, once equality is established in a State, honesty must form the main element in its progress, will be content unless it is shown not only that a majority, but that an immense majority, of the people repudiate the party and its doctrines. The course things have taken in the last three months goes strongly to confirm the suggestion we have several times made, that the basis of one party, at least in this country, would be rather ignorance and rascality than attachment to distinct and well-marked political ideas. At the Convention which has just adjourned no particular doctrine or principle which thoughtful men of any school of politics have produced or defended seemed to have any attraction or any authority. About all the great questions of government, the settled as well as the disputed, there was every indication either of ignorance or indifference. The thing which commanded most applause and secured heartiest concurrence was a small cheat



from which nobody in the room could expect to make over a few dollars, and for which no defence or apology can be discovered in the work of any statesman or moralist of any age or country, and yet it called forth the "wildest enthusiasm." The following that these men can command in the United States should not only be a minority; it is the duty of all good men to see that it is a small minority.

### OUR NATIONAL POVERTY.

"THE *Nation* has made the painful discovery that 'the people of the United States are, and have been for several years past, steadily decreasing in wealth.' The data for this calculation are as follows: (1) Milk and all its products are an absolute necessity; (2) Every effort will be made, therefore, whatever else may be sacrificed, to keep up the number of milch cows; (3) Milch cows have decreased 5 per cent. since 1860; (4) No consolation can be found in the increased number of sheep, though these have nearly doubled since 1860. *Ergo*, our people are fast growing poorer. Now, as the whole number of people has increased since 1860 at least 15 per cent., their average poverty in milch cows must be much greater than the *Nation* indicates. But is it not barely possible that we have increased our wealth in other articles more than we have lost in milch cows? And is it not also possible that a cow or two may have been omitted in 1867, since the returns of the Agricultural Bureau are by no means perfect? Again—has the *Nation* taken account of all the milk in all the cocoa-nuts of this great country? Until these questions are answered, we shall take the evidence of our five senses, and believe that the country is no poorer than in 1860."

The foregoing paragraph from the *Springfield Republican* is a fair epitome of the thousand-and-one comments upon a recent article of ours which we find scattered through our exchanges. The humor is the *Republican's* own, but its argument is nearly the same as that of all of our commentators. The "evidence of our five senses" is justly more trusted by most people than the conclusions of their logic; the abundance of cocoa-nuts is unquestionably more than an offset for the loss of milch cows; our surplus paper money is undoubtedly better proof of our wealth than a mere assertion that our stock of gold is steadily declining; and the nation's irregular and artificial activity under heavy taxes and protective duties furnishes the most striking evidence of our general prosperity, just as nothing so well proves the giant's strength as his ability to stagger on under the weight of burdens that would crush an ordinary man. Undoubtedly we are strong to carry weight, undoubtedly we have money in abundance, undoubtedly the land "flows with milk," but the weight we carry is exhausting us, the money that so abounds is paper money, and the milk that overflows the land comes mostly from the cocoa-nut.

It seems a truism, that all the individuals of a nation are wholly engaged in producing and distributing, by the aid of their whole labor and their whole property, all the things which all the individuals of that nation need to satisfy all their wants. It is a statement the general truth of which every one admits, though particular exceptions can be taken to it. One exception is, that a part of every nation—its army, its navy, its wealthy class—do not labor either to produce or to distribute. But this objection is more apparent than real, for the labor of the soldiers and sailors in protecting alike the producer and his product is held by the producer himself to be as essential to production as his own labor; while the wealthy, by contributing their property, aid production as effectually as if they contributed their labor. A more serious exception to our truism is, that not all the things which a nation needs are produced by its own labor, but that a part of them are produced by and obtained from other nations. But the force of this objection is derived from a false and exaggerated estimate of the importance of the so-called foreign trade of nations. The concentration of the latter at a few seaports or frontier towns, and its powerful influence over the domestic markets of a nation actively engaged in trade, give it an appearance of magnitude which is eminently deceptive. The total annual imports or exports of the United States, for example, do not amount in value to four hundred millions of dollars, whereas our total annual domestic product amounts in value to at least ten thousand millions, or more than twenty-five times as much. Besides, whatever any nation imports from abroad has really to be paid for by the export of something produced at home, so that to all intents and purposes the foreign article is just as much obtained by domestic labor as the domestic article. Hence we may safely leave out of sight both the so-called non-producing classes and all foreign

trade, and adhere to our first assertion, that all the individuals of a nation are wholly engaged in producing and distributing, by the aid of their whole labor and their whole property, all the things which all the individuals of that nation need to satisfy their wants.

What do the wants of a nation consist of? The wants of a whole nation are only a multiplication of the wants of each individual household. Each household, as each individual, requires mainly food, shelter, clothing, warmth, light, and entertainment. These all individuals require in greater or smaller amounts and in varying proportions. The amounts and proportions in which different households require them depend upon the wealth, social position, education, and taste of its members, and vary accordingly. But there are always thousands of households possessing the same wealth, occupying the same social position, influenced by the same education and the same tastes, forming in one word a certain class in the community. All the households forming such a class will have, as nearly as possible, the same wants. Of course, everywhere there will be individual exceptions even among a class, but in all classes the average household will be in an overwhelming majority, and among such average households the wants will be so clearly measured and so much alike that in ordinary times the grocery bills, the butcher's and baker's bills, the house-rent, the dry-goods bills of each one of a thousand families in the same station of life, and in receipt of the same income, will at the end of the year be nearly the same in amount as those of the other nine hundred and ninety-nine.

Few people have any conception of the extent to which this assertion is true; but every one can, by enquiry among his friends and acquaintances, easily verify for himself its correctness, and can see how, in each of the different classes of society, expenses run in certain proportions which scarcely ever vary. Of an income of one thousand dollars in this city, for example, in ninety-nine cases out of a hundred, five hundred dollars are probably spent on food, two hundred and fifty dollars on rent, one hundred on dry-goods and clothing, and so on. And not only does the proportion, whatever it may be, hold good for any one class in society, but it is, with the exception of the very wealthy and the very poor, nearly the same in all classes of society. In fact, it is not unreasonable to assert that, in the average American household, one-half of the income is spent for food, one-fourth for rent, and one-fourth for all other wants combined. The figures of the United States census bear out the assertion in a very striking manner. We have seen that it requires all the labor and all the capital of all the people to produce all that is required for the wants of all. If, therefore, the wants of all bear certain proportions, it is necessary that the capital and labor employed in satisfying these wants should bear the same proportions. Of the labor it is difficult to get a correct estimate, but of the capital employed the last census (imperfect as it is) shows us, that as nearly as possible one-half consisted of farms, live stock upon farms, and farming implements, mainly employed in the production of food, while nearly one-fourth consisted of other real estate, city and town dwellings, with their household furniture, etc., the income from which constitutes the item of house-rent.

The conclusion to be drawn from all these statements is this: our wealth, national as well as individual, consists of that which will satisfy our wants. One-half of all our wants is summed up in the word—food. To show that our supply of food is diminished is to show that the most important half of our wealth, the means of supplying the most important half of our wants, is diminished. It is easy to laugh at our homely illustration, selected because it is a subject of simple numbers which everybody can understand, but it is not so easy to meet or deny the fact that food and house-rent have risen to exorbitant prices, that they absorb more than their former proportion of our yearly income, and that, although we spend more upon them, we get them in smaller quantities and of poorer quality. In food and house-rent we are worse off, poorer, than we were six years ago; we are richer in railroads, in iron-mines and foundries, in coal-mines and cotton-spindles, in lamb's-wool and paper money. But it is a poor consolation to a hungry man to know that iron is abundant and cheap, or that he can burn five tons of coal next winter instead of four; cocoa-nut milk will scarcely suit the baby nor go well with coffee and tea; nor is an

extra cheap flannel shirt a compensation for being crowded into two narrow rooms in a tenement-house.

The fact is, the war, protection, and paper money have artificially disturbed the course of our national activity, and changed our national productions from those which are most essential to our existence to those which were, for the time being, most profitable to the individual producer. The demands of the war, aided by the tariff, induced an immense increase in the production of iron, coal, and wool, and prevented a proportionate increase, nay, brought about a proportionate decrease, in the production of food. The fluctuations in price resulting from speculation, based in part upon the uncertainty of the currency, prevented the disturbance from being readily recognized, and the evil has gone on increasing until the unbearable result is working its own remedy. Working-men cannot pay for their food and rent at present rates of wages, but even the present rates of wages are ruinous to employers in many branches of manufacture. Hence strikes for higher or against lower wages are again becoming the order of the day, and will, we fear, from this time forward steadily augment in number and importance. The necessity of employing a larger proportion of income for the purchase of food and the payment of rent leaves less than before for the purchase of all other manufactured articles. A diminished demand for manufactured articles must lead to a diminished production, to the stoppage of mills and the idleness of many laborers, and to a diminished activity in general business. Of the number of men thrown out of employment by such a change, a large proportion always seek the farm, and by their labor add at once to the production of food and help to restore the former equilibrium. But in the meantime what is the value of the idle mill or the closed coal-mine that they have abandoned? If we are poorer in some of the principal articles of food, we are richer, far richer, so our critics claim, in factories and mines. But factories and mines have little or no value unless actively worked, and we have no hesitation in asserting, from simple observation of the laws of trade, that before next March one-fourth of the spindles of New England and one-third of the hammers of Pennsylvania will be idle. This is, of course, mere assertion, and has nothing to do with our argument. Our argument is, and we think it cannot be contradicted, that our most important want is food; that we are poorer in food than we have ever been; that we are richer in factories and mines, but that the wealth of factories and mines cannot offset the poverty in food, even if the factories and mines are worked; that we are poorer in the essential, and richer only in the non-essential—hence that we are certainly on the whole poorer.

Nothing has so much contributed to national and individual extravagance as the constant shouts of gladness at our immense prosperity, our unimpaired resources, raised by the press of the whole country. It is high time that this delusion be abandoned with all its mischievous consequences. The nation is at the present time far from prosperous. For months past we have had no official publication of the internal revenue receipts. Is it because they are so light that they dare not be shown? Already the notes of warning come from Washington, telling us to prepare for an increase of debt in July amounting to eighteen or twenty millions. The Ways and Means Committee are seeking from Congress the authority—demanded, it is said, by Mr. McCulloch—to issue a fresh loan of twenty-five millions, in the shape of three per cent. certificates, which are *legal tender* between the banks, a measure of the most positive and downright inflation. These are not signs of prosperity. Why, then, seek to delude ourselves? We are neither rich nor prosperous. Let us cease our bragging and resume our labor. We have been wasteful, and are poor; let us economize, and repair our substance.

#### RECENT WARNINGS TO THE CORRUPT.

WE ventured to predict two months ago that the Democratic Convention would not be found lagging behind the Republican Convention, in the matter of corruption, and that it would give us a denunciation of this particular form of evil which would be satisfactory to every right-minded man. We were not mistaken. The platform calls loudly for "the reform of abuses in the administration, the expulsion of corrupt men from office." Now this, as any one

may see who considers the subject for a moment, covers the whole case. If abuses in the administration were reformed, and corrupt men expelled from office, we should have a government as nearly perfect as the material conditions of our society would permit. The two great parties into which the political world is divided being, therefore, both of opinion that corrupt men ought to be driven out of the public service, those persons will, if they have any delicacy of feeling left, at once withdraw from it. Even if they have no delicacy of feeling, they must acknowledge that even on the low ground of expediency it may be the very best thing they can do; because both the great parties having agreed as to their unfitness, they surely will shortly be all dismissed with disgrace, and perhaps with a public exposure of their iniquities. It would seem, in fact, that with regard to this great question the country is in the happy situation of having nothing to fear from the defeat of either party. Anybody whose sole political concern is corruption may vote for either the Democratic or Republican ticket as he pleases, with the full assurance that he will witness in any case the realization of his wishes.

Nevertheless, we confess that, perhaps owing to natural sourness of disposition, we are ourselves not quite satisfied. In other words, we do not believe the denunciations of corruption uttered by either party are worth the paper on which they are written. We believe the corrupt men in office read these denunciations with the same grim amusement with which most intelligent men out of office read them. They know perfectly well they mean nothing, and are not intended to produce any better effect than the soothing of obstreperous reformers. We do not mean to say that we think the Republican and Democratic parties stand on the same level in this matter. In fact, the moral difference which, as we have several times endeavored to show, exists between the composition of the two parties, apart altogether from their political differences, does lead us to hope for reform sooner or later from the Republicans, and prevents us from looking for anything of the kind at any time from the Democrats. There is in the ranks of the Republican party a vast body of persons to whom the condition of the public service, and the growing power of money in both politics and law, are matters of serious concern. Persons whom these things trouble—in other words, whose moral sense is nice, and whose political and social ideal is high—almost invariably vote the Republican ticket, often as much out of sheer abhorrence of Democratic morality as out of admiration of Republican policy. We do not, in fact, expect now or at any other time the smallest attempt at purification from the Democrats. That party, as long as it exists, will be made up in the main of coarser, more brutal, ignorant elements in the population, and pandering to their passions and prejudices, and ostentatious indifference to moral considerations, will always supply the leaders with the principal means of keeping their followers together.

We do think, however, that as long as the Republican party confines its efforts towards reform to declamation in its platform against corruption in general, it will be useless to ask people to place more confidence in its reforming zeal than in that of the Democrats. Nothing is easier than to denounce corruption. Editors, preachers, and moralists of all sexes and ages are doing this incessantly, and doing it twice as effectively as political conventions can do it. The work of political organizations is not the utterance of fine moral sentiments; their work is the contrivance and execution of practical measures of reform—in other words, the embodiment of fine moral sentiments in legislation. We do not need to have either the Chicago or the New York Convention tell us that corruption is a bad thing, or that all the corrupt men ought to resign. This we have found out for ourselves. What we want the Conventions to say is, that the men they put in power must, without unreasonable delay, enact this or that measure, making such and such reforms, prohibiting such and such abuses. The Conventions know perfectly well that resolutions denouncing corruption might be passed in every Republican meeting for the next ten years; and although the Republicans were all that time the party in power, there would not be one cent the less stolen from the Government, or one cheat or imbecile the less in office. Until, therefore, the party say authoritatively, that certain definite reforms ought to be made, the sensible portion of the public will take the liberty of laughing when



it simply confines itself to putting it on record that corruption is a bad thing. Writing "noble letters," as P. T. Barnum did during his canvass in Connecticut, and putting noble sentiments in platforms, as all parties do, are very well as far as they go, but they are no substitute for noble living, or for earnest, careful reformatory legislation.

It is not denied that Mr. Jenckes's Civil Service Bill would dry up one fruitful source of corruption—the most fruitful of all. It would not put an end to corruption, because it would not change human nature or suddenly raise the general standard of morality. But we have not met with a single denial in the newspapers or from orators that it would put an end to an enormous amount of dishonesty, that it would drive a large body of depraved and worthless men not only out of office but out of politics altogether, and that it would gradually lead to as near an approach to purity in the administration as the actual moral condition of the country will permit. We have, however, yet to hear the first formal words in its favor from any Republican organization. As soon as we see Republican leaders openly advocating it, as they advocate the Reconstruction acts or the honorable payment of the public debt, we shall believe in the sincerity of their desire for reform, but not till then. The party at large, we are sure, would welcome it. The American people has no interest in seeing its Government offices used as dens of thieves. The number of men who are interested in the present state of things is not more than a few thousands, all told; but they are unfortunately the persons who do most of the hack work of the canvass; and the party leaders, however honest they may be themselves, are afraid to talk of anything which will seem likely to deprive them of the means of rewarding their services.

We would warn the public, too, against the belief that by putting a pure man in the Presidential chair we can secure purity in the administration. Undoubtedly, General Grant will reform many abuses that Mr. Johnson now connives at or participates in. But under the present system, no matter how good he may be, the President is almost powerless. The distribution of the offices is only nominally in his hands. By far the greater portion of it is in reality in the hands of the Senators, Representatives, or local politicians and editors, whose recommendations he dare not disregard, and who are usually about as much influenced by consideration for the public welfare in pushing their protégés as by the motions of the heavenly bodies. Moreover, these persons, even when honest in giving their recommendations, have to give them to such a bad class and are so easily deceived, that some of the greatest knaves in the public service have actually often owed their places to very pure and patriotic men.

#### MR. FESSENDEN AND THE BOSTONIANS.

THE Boston *Commonwealth* does not often descend to anything so low and troublesome as argumentation, but occasionally when it fancies it sees "a crisis," it summons a "reasoner" to deal out high and low justice on those who incur its righteous indignation. It last week employed him to judge and condemn the persons in Boston who recently invited Mr. Fessenden to dinner, as a mark of their sympathy with him under the persecution brought on him by his course in the impeachment. The first point made is that Mr. Fessenden was not entitled to a dinner because he is not a great man, or associated with any great cause, like Burke or Peel or Cobden or Sumner; the second is that the inviters are mostly members of the Boston Union League Club, a dainty sybaritic organization which did no good work in the war, and did not invite such men as Mr. William Claflin to join it, and blackballed such men as Mr. Frank W. Bird. The third point is that the invitation was signed not by the same men, but by men of the same social or official position as signed protests against the Personal Liberty Bill. The fourth is that a man who is opposed to "the masses" on a great question does not deserve a dinner, and ought not to get one, and the writer reminds Hill, Lowell, and Norton, of Cambridge, that it was Fairfax, Cromwell, and Vane, and not Strafford or Falkland or Charles I., to whom Milton "wrote sonnets," and whom he "enshrined in his immortal verse." The fifth is that the Republican party can well afford to do without Fessenden, and that "the path of Truth through

all ages is strewn with deserters," on which proposition we shall only remark that so is the path of Humbug and Folly, and that, in fact, it is mainly by desertions from these two goddesses that the work of progress is carried on. What is Truth, and where is Truth, are questions hard to answer even for "moral reformers." What is Folly, is a question which Providence graciously enables men to answer every day by means of their own experience.

Upon the force and applicability of the foregoing arguments we have nothing to say. They are those of a man who has passed his life shooting at a hay-stack, and who thinks the bull's-eye on a target a contemptible object. What concerns us in the article is his views about the nature of the impeachment trial, which *do* merit attention, as we know they are widely diffused amongst good people, and cannot, therefore, be too often overhauled. He says the impeachment is not a judicial proceeding: 1st, Because the penalty does not touch either life, liberty, or property; 2dly, Because "the Democratic partisans were all a unit against it;" 3dly, Because "the Chief-Justice talked freely" about it, and "the press affirmed or denied guilt while the trial was pending." We protest solemnly that, though the space at our command will not permit us to quote literally, we have faithfully reproduced the argument. If any one doubts us, and many perhaps will do so, we refer him to the *Commonwealth* of July 11.

We would observe on this that the nature of a trial does not depend on the nature of the penalty. To constitute a trial or judicial proceeding, it is enough that there be an enquiry under oath into a dispute either about law or fact, and that the consequence be to the disputants either loss or gain. If the enquiry be into the guilt or innocence of an individual, it matters not whether the penalty be the loss of life or property or liberty or reputation or office. If it be the deprivation of anything which a man values, it is still a penalty; and a person who undertakes under a solemn oath to enquire whether a particular individual merits this penalty or not, and to be guided in so doing "by the law and the evidence," is engaged in a judicial enquiry. The attempt in which the *Commonwealth* and other journals have been engaged, to persuade the public that an enquiry conducted under these conditions is *not* a judicial proceeding; that the senator's oath on the late trial, the oaths and examination and cross-examination of witnesses, are not marks of a judicial trial simply because the penalty is a peculiar one, is—the truth must be told—utter downright folly or an attempt to destroy one of the bases of human society. If the penalty had been simply reprimand, the investigation would have had just the same character, though its importance and interest to the community would have been much less, as if the penalty had been one of decapitation and quartering.

In the second place, the misconduct of the press or of the Chief-Justice, or the—if you will—excusable weakness of the press and the inexcusable indiscretion of the Chief-Justice, and the partisanship of the Democrats, no more affect the nature of the proceeding before the Senate than the brutality of Jeffreys affected the nature of the proceedings at the Bloody Assizes, or the applause of the white Jamaican mob the nature of the proceedings against Gordon. No doubt these things had much to do in plunging the *Commonwealth* and similar periodicals into the fog in which they evidently still find themselves, but they were a matter of no concern to good and wise men in the Senate. The duty of the senator was still "to do impartial justice according to the law and the evidence," let the newspapers, the Democrats, or the Chief-Justice do what they might.

The *Commonwealth* asks triumphantly whether "Alexander H. Bullock and others ever before offered a public dinner to a dissenting judge or a recalcitrant juror," and, anticipating the answer, says: "Out of their own mouths comes the evidence that the impeachment proceeding was not a judicial trial." Being of a humane disposition, we shall not make any comment on this beyond what is implied in the submission of the following points, as the real points in the case, for the consideration of the *Commonwealth*, and we hope if it discusses them it will not do so without much reflection. Let us add that we do not want in reply any vituperation or name-calling or vitriol-throwing, or any of the other pleasing tricks by which it usually gets rid of antagonists; nor do we want to hear anything about its "emotions."

or "aspirations" or "instincts," noble though they be; nor about "eternal justice" or "the eternal verities." We want plain argument, supported by recognized authorities or by the laws of the human mind. The points are these:

1. If the proceedings at Johnson's trial were not a judicial proceeding, what was the meaning and object of the senators' oath, of the oath and examination of witnesses, and of the *legal* portion of the Managers' argument?

2. Inasmuch as there was no article on which some senator of the party did not question Mr. Johnson's guilt, how do we *know* that a senator who doubted it, on all of them, was a dishonest man?

3. Supposing the trial to have been a judicial trial, have you ever heard of "a dissenting judge or recalcitrant juror" having been abused and threatened as Mr. Fessenden has been?

4. Considering how he has been abused and threatened, is it anything wonderful that those who believe him to have acted conscientiously should seek to dignify and reward conscientious acting by testifying in a public manner their respect for a man who, mistaken though he may be, has been persecuted for having (as they think) so acted? Is not some such testimonial required from them by the highest interests of society, no matter what comes of Andrew Johnson; and is not an invitation to dinner as simple, as suitable, and as easy a way of offering him this testimonial as any other? Would an invitation to a clam-bake or fish-fry be any better?

5. Is there anything more revolting in political history than the present attempt of the "moral wing" of the Republican party to elevate party obligations above all others, even those of a solemn oath, on the ground that the objects of the party are good; and is there any more repulsive reading outside the pages of Escobar and Father Bauny than the windy sermons in which these detestable doctrines are preached?

#### A LOOK AT THE CONVENTION.

PERHAPS the spectacle of men in large bodies is never very impressive; unless, indeed, when, as in an army or a mob, or some such gathering, they give the spectator the idea of force. Take any single human being, of an entire steamboat-load, consider him face to face, and he is a more awe-inspiring object than the whole "excursion" to which he belongs. Or climb up into Trinity steeple, and after gazing on the ant-hill of mankind below, turn to the contemplation of the person who has ascended with you, and whom you have at arm's length, a near body and soul. He paradoxically dwarfs the race. The reason of this readily suggests itself; we mention the fact only to excuse ourselves for saying that we were not very much impressed by the sight of the late assemblage of the Democracy in the new Tammany Hall.

Most of our readers have seen similar assemblages in similar places. A large hall draped with the stars and stripes, and further adorned, in this case, with representations of the shields of the States, which recalled the paintings that adorn new omnibuses; a platform at one end, filled with elderly men of what is called a gentlemanly exterior; galleries at the other end crammed with a mass of humanity vigorously plying fans; a mass of humanity in the benches between, sitting in long rows; men, not of gentlemanly exterior, handing ice-water; a stentorian-voiced secretary making himself heard above the noise of the talk ("The State of Missouri—casts her eleven electoral votes—as follows"); a feeble-voiced chairman endeavoring to make himself heard, and pretty regularly compelled to fall back on the mallet before he can do it ("The Convention will come to order. The gentleman is informed that disputes in the delegation *must* be settled within the delegation, and *cannot* be brought before the Convention"); a continual going to and fro of very important gentlemen who have to whisper a word or two close into the ears of other gentlemen ("That's John A. Green coming this way, with his hand up to his mouth; now he's talking with that bald-headed man"); bursts of "enthusiasm," often far wilder than one suspects till they reappear in the next day's papers; occasional speeches by gentlemen who make what seems, to distant hearers, an inarticulate noise, whose oratory is mainly of the visible kind, and consists in shaking the head, sometimes violently, sometimes weightily and slowly, sometimes at the Permanent Chairman, sometimes at the fist which is at the end of the outstretched arm ("That's McCook that's up now"); energetic remarks from one's neighbors expressive of delight or disgust—"There's a gain of three for Hendricks" ("Seymour, Seymour; the child is born"); enquiries and answers; a pervading heat, and the concomitant

rustling of fans, and, in this instance, display of shirt-sleeves in the galleries.

These are the principal things that went to make up the scene in Tammany, as they go, most of them, to make up the scene whenever we get together to nominate our candidates for the Presidency. As we say, it is never a very impressive scene. It came nearest to being so in the case of this last Convention when some well-informed persons wheeled out a cannon in the vicinity of the hall, and the solemn booming of the gun accompanied the votes "for Horatio Seymour." But then this was only relatively and momentarily impressive. Absolutely and leisurely considered, it was not very imposing. The cannon began long before the nomination was made, while yet it would have been possible for the friends of Hendricks or those of Hancock to defeat the nominee. And the cannon and a full brass band set the galleries shouting in what was really wild enthusiasm, and too obviously—too obviously for the interests of reverential respect for their deliberations—affected the votes of delegates. Yet it was easy to be affected by the vast mass of disappointment that there must have been in the assembly when the nomination fell where it did—which, indeed, there would necessarily have been wherever the nomination might have fallen. The list of the rejected was very long. One heart we know that must have been made sad by the failure of Asa Packer. The owner of it, who looked the incarnation of the Resolutions of '08, conversed eagerly with his neighbors on the prospects of "Pennsylvania's favorite son." As the roll of the States was called and Pennsylvania's name came, he regularly made an endeavor to start applause for Packer. "Pennsylvania adheres to Packer," he would say after each of many ballotings. "Yes, sir, they told me this morning that would be their course. And if she adheres to him he will be the man. This nomination is controlled by Pennsylvania. Let her stick to Packer and he will very soon receive the vote of the entire South. Why will he? Yes, but they do know him. When Mr. Davis's nephews and nieces were destitute at the close of the war Mr. Packer relieved them; he took them into his own house and sent them to school, and provided for them in every way. The South knows that, and they are only waiting to testify their appreciation of it, and you'll see before long. Their votes for Hancock are merely complimentary; they will go solid for Packer when the moment arrives. And we can whip with him. He could carry Pennsylvania sure; he is worth fifteen millions of dollars, and he would spend two of it in order to carry the State. You'll see that he will be the man." Then there was the pungent grief of Mr. Pendleton's friends; and the more controlled sorrow of the Chase men, who, indeed, felt no personal affection for their candidate, but who did very much "want a man to win with," and who "had been whipped often enough;" and there were the Hendricks men who had been not unreasonably hopeful till the last minute, and who had the satisfaction of witnessing their defeat and of perceiving, when it was too late, just how it might have been made victory. Indiana, it was said, voted against Pendleton too soon, and ought to have left it for the Seymour men to kill him; as it was, it was upon their skirts that his blood seemed to be found, and the vengeance of the Pendleton men was the success of the New Yorkers and their concealed candidate. The talk that a Western candidate now would make a Western candidate four years from now impossible, was not, we imagine, felt to be very weighty; there being no certainty that the West will let the East have any more Presidents in any case.

However, to the casual observer, little or nothing of these disappointed hopes or ambitions was visible. There were far more New Yorkers present than people of any other State, and there can be no doubt of the popularity of Mr. Seymour with the mass of the State Democracy. Then he had wisely been made the President of the Convention, where his elaborately dignified manners and gubernatorial look no doubt made a good impression on every Democrat in the room. The declination of the nomination, too, was done with every appearance of feeling, and, at a distance, exhibitions of feeling are sure to give the impression of sincerity in the utterance which accompanies them. The speaker's voice trembled; he was emphatic in declaring that honor compelled him to refuse the candidacy; he abruptly left the chair when the tide seemed to be setting in favor of his friends. Then, for another thing, when the final ballot was entered upon, there was no good reason (outside of the Ohio, New York, and, possibly, some other delegations; certainly, in the galleries and lobbies there was no good reason for supposing) that the Convention might not sit for several more days. It took everybody by surprise, and a majority of the sweltering spectators it greatly relieved, when it suddenly appeared that a candidate was to be given immediately. Then, again, it must probably be conducive to enthusiasm—as that quality is found in crowds—when men can vote in a person's honor in his very presence. Add the voice of the



cannon coming in at short intervals, and the music of the band playing "Rally Round the Flag," and there is no difficulty in accounting for enough of hurrahing and hat-swinging and standing on benches to make the Democratic onlooker believe heartily what the speakers said when they swung the guidons and declared that Iowa or Delaware, or whatever State it might be, desired to change its vote and cast so many ballots for Horatio Seymour, and "This is a nomination, sir, with which we shall march to victory at the polls, and with which upon our banners we will hurl from power the vandals who now disgrace our country."

## Notes.

### LITERARY.

MESSRS. HURD & HOUGHTON announce these works:—"The Tragedian: An Essay on the Historic Genius of Junius Brutus Booth," by Thomas R. Gould; "Sketches Abroad with Pen and Pencil," by F. O. C. Darley; "The Holidays: Christmas, Easter, and Whitsuntide; A Book descriptive of Sports and Observances," by N. B. W., with illustrations by Darley; a four-volume Student's Edition of Macaulay's "History," and five books for youthful readers, namely—"Stories of the Prairies," being selections from the works of J. F. Cooper; "The Ainslee Stories," by Helen C. Weeks; "Little Lou's Sayings and Doings;" "Tales for Little Convalescents," by Mrs. S. H. Bradford; and a "Robinson Crusoe," illustrated by Mr. Nast.—We have not previously mentioned as in preparation by Messrs. Roberts Brothers, "A Book about Boys," by A. R. Hope, and "Little Women: A Girl's Book," by Miss L. M. Alcott.—Mr. J. S. Redfield returns to the publishing business, and begins by announcing a reprint, in the form of a duodecimo, of the articles on "Woman in her Various Aspects," which have been appearing in the *Saturday Review*. Perhaps he will be able to learn in the course of his negotiations whether the report is true that Mrs. Edwards, the novelist, is the author of the articles in question.

—A week or two since we spoke of an excellent work, "The Annals of Rural Bengal" (New York: Leypoldt & Holt), by Mr. W. W. Hunter, who, leaving the beaten track of British historians of India, busying himself neither with the debates in Parliament, nor the diplomacy of high officials, nor the episodic fighting which makes a good half of Indian history, as usually written, turns aside to an agricultural district, which he knows thoroughly, and shows us, from its obscure annals, how the mass of the people were affected in their lives and fortunes by the policy of their rulers. Philologically, also, we must not forget to say, his work is of value. We see advertised in the English journals a forthcoming book bearing on the same subject, and which promises to be of more general interest. It is the work of a Bengalee, educated in the English way. Baboo Bholonath Chunder is the name of the author, and the title of his book is "Travels of a Hindoo" (London: Trübner & Co.) The English and American public—the Western reading public in general—may in this work for the first time look at the Hindoos with Hindoo eyes. They are, perhaps, the eyes of a sceptical Hindoo, but not the worse on that account.

—The attention of our readers on the Pacific coast may very well be called to an important publication which offers to "enable a person who understands English to communicate effectively with natives who understand nothing but Chinese." It is an "Anglo-Chinese Dictionary," by the Rev. W. Lobscheid. It has been in progress since 1864, and has had the labor of a large staff. Two of the four parts which the complete work will comprise are already published; the third and fourth will both be issued before the year closes. All the new terms which the Chinese have recently had to make for the new things with which their changed foreign relations have been bringing them acquainted, the dictionary gives, it is said, *in extenso*, and each word is fully explained.

—Of all the magazines that have flourished and decayed at Harvard among the undergraduates none, we believe, has been so successful as the *Advocate*, a bi-weekly journal established three years ago, and none, so far as we know, and we believe we have looked at all of them, ever so well deserved success. As a rule the college periodical of old times fell sick and died because sooner or later it was seized upon by that class of writers who abound in colleges and wherever else young writers abound, who do badly what older writers in the magazines of the world outside the college yard are doing better or well. There was little truth, we fear, in the theory that the faculty's notorious hatred of genius and love of the cruelest tyranny caused the *Harvard Magazine* and its predecessors to perish as

they did. The *Advocate* is not without its rather too ambitious essayists and the poets are as of old; but on the whole the impression one gets from it is that of the light-heartedness, vivacity, and fun proper to youth. Some of the chaff is as natural and pleasant in print as it is in the talk of the young men among themselves, and in point of excellence as literary workmanship is very far superior to the old sort of thing—the reviews of Professor W. E. Aytoun, and the musings in the fire-light at the close of the junior year, and the essays on William the Conqueror, which once were in vogue. Then the air of genuineness and reality which the *Advocate* wears is increased by the fulness of its college news and its healthy show of advertisements, features of the new periodical which the old ones generally wanted. In the number before us the editors propose something of a change in the character of the paper. Hereafter they are going to give in each issue a column of news about graduates, and to make this full and trustworthy in its intelligence they will put themselves, so far as may be possible, into regular communication with the Class Secretaries. They intend, too, to publish, gratis, all notices of class meetings, etc., etc., which it is now the practice of the secretaries to print in the papers of various cities. Thus the *Advocate* may become, for certain purposes, a convenient organ of the graduates; and there is no need, and we hope no danger, that in doing so it shall any less than formerly please the graduate by the lively picture it gives him of the state of feeling and the tone of opinion among his successors in the old scenes. What money they can make from their subscription list the editors will give to the fund for purchasing books for the much suffering college library—"a worthy cause." In its typographical appearance the *Advocate* is one of the most satisfactory journals printed in the United States.

—The *Christian Examiner* for July very appropriately speaks a few words—which would have been better for more dates and greater fulness generally—in commemoration of the late Doctor Noyes. That able and honest scholar was always a chief support and ornament of the *Examiner*. The most striking event in the life of the magazine—perhaps in the life of Doctor Noyes as well—was the appearance in the *Examiner* for July, 1834, of an article in which it was maintained that "the supposed prediction of Jesus as a personal Messiah came from the misinterpretation of a few scattered passages, and had no ground in a right understanding of the record." For publishing this article Dr. Noyes, the author, was threatened by the Attorney-General of Massachusetts with a prosecution for blasphemy. George Rapall Noyes, deceased at Cambridge on the 3d of June, was born at Newburyport, Mass., in 1798. At the age of twenty-four he had passed through Harvard College and the Divinity School of the University, and was licensed to preach. He was not, however, ordained as a pastor until he was nearly thirty, when he was invited to become the minister of a church in Brookfield (1827-1834). He was afterwards (1834-1840) settled in Petersham. It was in 1827 that he published his "Amended Version of the Book of Job," a work distinguished by a bold application to the Scriptures of a method of handling which sacrificed dogmas and literary graces alike to an accurate rendering of the text. Everything was abandoned without hesitation which seemed to the critic and expounder unwarranted by the words before him. In this same spirit—which, be it said, was never at war with modesty and scrupulous endeavors after accuracy—Doctor Noyes afterwards translated all the second half of the Bible, and he left behind him the completed translation, soon to be published, of the New Testament. From 1840 till his death Doctor Noyes filled the Hebrew chair in the Divinity School at Cambridge, and his death is to be lamented not only as the loss of an able scholar and critical writer, but as the loss of a valuable instructor, whose usefulness increased with advancing years, which mellowed while they ripened his mind.

—How much the whole community is interested in the inviolability of the telegraph, plainly appeared from the severity with which almost every journal in the country animadverted upon the recent seizure of telegrams under the authority of Congress. At the time, we expressed the opinion that the seizure was a high-handed measure, but that in certain cases such seizures are justifiable, and we expressed or implied the opinion that the public anger was almost or quite as much due to Mr. Butler's being allowed to overhaul private correspondence and publish it at his own sweet will, as to any settled belief on the part of the people that in no case should Congress examine letters and messages; though, of course, making such examinations will always be a peculiarly odious exertion of power, and none but a blind or stupid partisan will ever consent, except under pressure of necessity, to irritate the people by indulging it. Of the law in the matter there is no doubt. "In no case," says the Western Union Telegraph Company

"no matter how skilful the plea made by the company, has it ever been able to evade the demand of any court for the production of despatches;" and the production of despatches is a matter of almost daily occurrence. Even where courts have required the production of messages sent by persons not parties to the special suit in hand, the company has in vain resisted the requirement. The company says further—and it is worth remembering—that the Congressional committee did not demand and did not receive the general files of its Washington office; certain despatches specifically described, so far as specific description was possible, were asked for and were furnished, and were furnished only upon written requisition. In conclusion, we may say that the *Journal of the Telegraph* is our authority for the statement that the telegraph companies "everywhere sustain" a bill now before Congress which the legal fraternity will, we should say, everywhere oppose as soon as they get information of it, but which, we imagine, the general public, past and future plaintiffs, as well as past and possible defendants, will look on with favor. The closing section provides: "That every message or despatch delivered for transmission to any such telegraph company shall be held and deemed a confidential communication made to such company by the person or persons so delivering the same; and it shall not be lawful for any such company, either in pursuance of any order, subpoena, writ, or process, or otherwise, to deliver, produce, exhibit, or allow inspection of any such message or despatch, or of any part of the same, or of any copy thereof, or to communicate or disclose the contents or meaning thereof, or of any part thereof, to any courts, judicial tribunals, officers, or persons, or any of them, other than the persons by whom the same shall have been delivered, or to whom the same shall have been originally addressed, or his or their agents, etc.: Provided, however, that in case of suit or other proceeding against any such telegraph company, its officers, agents, or employees, or any of them, for damages for any fault, delay, or failure in the transmission or delivery of any telegraph message, it shall be lawful for such telegraph company, its agents or employees, to produce any message or communication which may be material or necessary to his or their defence."

—Mr. Samuel Lover died in Dublin on the 8th of the month, at the age of seventy-one years. He was best known in this country as the author of "Handy Andy," a book not so well worth attention as some of his shorter stories and some of his pretty little songs. It marks very well, however, its author's true place as an Irish novelist, or rather as a writer of Irish novels—a place between that of Gerald Griffin and William Carleton, with their wonderful vividness and truthfulness of delineation, and that occupied by Charles Lever in his essentially false, vulgar, and trivial earlier books, such, for example, as "Charles O'Malley." In his later books Lever is a very different personage, and is not to be spoken of without a certain degree of respect. Mr. Lover was something of a painter, something of an actor, something of an *improvisatore*, an entertaining lecturer, something of a poet in both of the two ways that modern Irish poets are apt to tread in—the rollicking and the soft-sentimental; and, as everybody knows who has read "The White Horse of the Peppers" and "Barney O'Reirdon the Navigator," something of a story-teller and more of a humorist of a certain conventional sort. The "Irish Harps," and other collections of comic and pathetic songs, will take him honorably to posterity as the gay-hearted and kind-hearted man who wrote "Rory O'More" and "Molly Bawn" and "The Angel's Whisper," and for more than a generation yet the boys in all English-speaking parts of the world will properly rejoice in him as a writer for the boyish, as the author of the happy-go-lucky, light-hearted, rather vulgarizing "Handy Andy." For grown men, except for grown men considered as tenor singers, he can hardly be called a writer. He died generally respected and regretted; and with his departure the age of Byron and Moore and Scott seems to take another receding step away from our days.

—M. Ernest Renan's discussion of the condition of the higher education, in his "Questions Contemporaines," has called forth an interesting article in the *Revue des Deux Mondes*, which offers a somewhat novel, but we have no doubt well founded, defence for what may be called the Government's monopoly of the colleges and high schools, instead of leaving them to be established by private enterprise. The writer says that private enterprise is so feeble in France that no high school or college would ever be founded or conducted by laymen, if the Government declined the task. The result of its withdrawal from all interference would simply be that the higher education, and in fact all education, would pass into the hands of the priests. M. Jourdain's recent report on education in France shows that even with regard to primary and secondary schools, where the field was opened to private enterprise, the priests rapidly got the better of the laymen. In

1856 there were 16,736 private schools, of which 12,888 were in the hands of laymen and only 3,848 founded by religious societies. In 1865 the proportion was changed, and there are now only 9,847 lay schools, while there are 6,502 clerical schools. M. Renan makes a fierce and well-merited attack on the too prevalent doctrine that it is the common schools that are the important thing in national education, and that the universities are of comparatively little consequence. "It is the university," he says, "which makes the common school"—meaning, no doubt, that it is the university which gives the teacher his standard and society its tone. "It has been said," he adds, "that it was the district schoolmaster who conquered at Sadowa. No; what conquered at Sadowa was German science and German virtue; it was philosophy, Protestantism, and Luther, Kant, Fichte, Hegel. The instruction of the people is the effect of the high culture of certain classes. Countries which, like the United States, have created a good system of popular education, without a high order of university education, will long expiate their error by their intellectual mediocrity, the coarseness of their tendencies, and their want of general intelligence." The United States, of course, is not open to the charge of having deliberately neglected university education, or deliberately contenting itself with common schools. It has done the best thing and the only thing with regard to both which a new country could do. Whether or not the result be as shocking as M. Renan fancies, this much is certain, that side by side with a prodigious development and improvement of university education we also witness among us a growing reverence for "the graduates of the common schools," as all that men need desire to be, against which it is the duty of everybody who is interested in the national progress to strive, for national force depends no less on the degree of the national culture than on its diffusion.

#### MORAL MEDICATION.\*

THIS is a somewhat diffuse, but a very sturdy and honest and, with certain limitations, a very sensible book. The sleep of which the author principally treats is the artificial or "magnetic" sleep, the so-called hypnotic state of Braid; and the purpose of the treatise is to show the essential identity of this and some other abnormal conditions, such as fascination, hallucination, and the like, with ordinary slumber, and to advocate the application of it to the treatment of various forms of disease. The theoretical fabric of the author seems to us in many places insecure (to speak mildly), but a part of his generalizations may be accepted provisionally as giving a very convenient and simple form of expression for the course of the phenomena. The "attention" is to him the great working agent which presides over all the changes, bodily or mental, conscious or unconscious, which we undergo. When it diffuses itself equally through all our several senses, we are awake and with our wits about us; when it flows more particularly towards one form of sensibility, at the expense of the rest in a slight degree, we are more or less "absorbed" and "abstracted." When it withdraws itself entirely from the reach of sensibility, and retires into unconscious caverns, where its existence, if recognized at all, can only be recognized afterwards by its effects, we are sound asleep; when from this latent condition it emerges, but only into a very limited and one-sided connection with the world of sensibility, we are dreaming, somnambulant, delirious, cataleptic, etc., etc.

We think this extended use of the word "attention" to be by no means inappropriate. The phenomena of somnambulism, mania, etc., are connected with those of what is commonly called attention by such a number of gradual steps, all characterized by a diminution of mental activity in some directions, running parallel to its exaltation in others, a narrowing of its channel proportional to its deepening, that it seems quite justifiable to grasp all the terms of this series of facts of mental concentration under the name by which the most familiar term is known to us. The hypothesis that the nervous system is a sort of receptacle of definite size and shape, in which the attentive mind, like a small quantity of some fluid, distributes itself in very various manners at different times, is, of course, a crude mechanical image; but it is serviceable, and it seems doubtful if, for a long time to come, we shall be enabled to attain a conception really much more precise of the relation between matter and consciousness. The assumption of "non-functional nervous currents," that is, the transmission of nerve-force generated in one part of the system to be expended in another without the intervening organs being excited, is hardly a bit more definite.

Our author seems to think that the sum of the mind's operations, conscious and unconscious, should at all times be a constant quan-

\* A. A. Liébault. Du Sommeil et des Etats analogues, considérés surtout au point de vue de l'Action du Moral sur le Physique. 8vo. Paris: Masson. 1866.



tity, and that the investigator is bound in every case to establish the equation. This entirely gratuitous assumption leads him to some curious theories. Thus, in ordinary heavy, and for aught we know dreamless slumber, he accounts for the disappearance of that part of the mind which at other times animates the senses, muscles, etc., by saying that it has become "fixed" upon the "idea of repose." Sleep, in other words, is an active function set up by a state of extreme concentration of the attention. One of the characteristics of all these concentrated states of the attention is the inertia of the mind in them, its passivity or want of "initiative," and the author consequently thinks that the only reason why we ever wake at all from our slumbers is that we make a resolve to do so before dropping asleep, and that a part of the attention remains fixed on this resolve, measures the time more or less exactly, and finally recalls the rest from the place where it stands monotonously "pointing." We are very unwilling to accept such an account of the facts, not so much for the reason that we have no consciousness of the "idea of repose," or of the resolve to awake, as because what we now know of the circulation in the sleeping brain leads us to infer that its functions as a whole are depressed, and that while the senses are steeped in deadness, it is by no means necessary to suppose that the mass of attention which they have lost is necessarily engaged elsewhere in glaring fixedly upon an "idea," or anything else. Most of the facts of somnambulism seem quite consistent with a diminution in the total amount of energy in the brain. The oblivion in which somnambulists are almost invariably plunged after waking, shows that the material changes on which their sleeping ideas depended were very faint, otherwise they would have left recoverable traces. The vividness of their perception at the moment may be explained by their being the *sole* channel through which whatever small amount of free attention the nervous system could furnish was poured. But the total amount of this may be much less than in the waking state.

In these dark places we must often advance without even a physical analogy to guide us. And little as we are able to conceive of the actual process, it seems now established as an indubitable fact that one state natural to the mind is that of inertia, a condition in which it is the passive slave of a limited group of impressions. The peculiarity of the state seems to consist rather in the limitation of the impressions than in the fatality with which they tow the mind after them wherever they chance to go. For the mind naturally accepts every impression as a reality. Professor Bain speaks obscurely of a mental law of inertia, "analogous to the first law of motion," which gives rise to our belief in the uniformity of nature, and makes us think that what has been will be. Dr. Liébault insists on our original and native "necessity of belief," and probably neither the ordinary dreamer nor the somnambulist who is at the mercy of every suggestion of his magnetizer, exhibits in *that* any very exceptional property. The remarkable feature in his condition is that so many points of his sensibility are paralyzed and incapable of vibration. The enormous network by which our ideas and impressions are associated when awake, seems to have all its meshes severed but a few along whose narrow path the attention proceeds, and dwells immovably when the path ends. The fine degree to which this specialization is carried in artificial somnambulism is very remarkable. The somnambule is "*en rapport*" with the "magnetizer," as every one knows, but not with other persons present. Dr. Liébault says this is a simple consequence of the fact that the idea of the magnetizer has been continuously carried over from the waking to the sleeping attention of the patient. One by one, as the mental narrowing proceeded, other objects of sense dropped out, but the idea of the operator being uninterrupted, the sensible impressions in immediate connection with that idea are animated by it, and do not share in the general closure. "The somnambule sleeps less for the magnetizer, of whom he has a vague idea, than for the other spectators, of whom he has no idea at all." But not only does the sleeper hear his operator alone, he only hears him when directly spoken to. "When the operator talks to other people or makes a noise in the room, the subject is impassible." Even this is analogous to what happens in our waking hours. "We have heard a man in a public-house," says the author, "make a speech against the character of another beside whom he was sitting, but without knowing it; while the individual thus attacked, absorbed in playing cards, did not notice that he was spoken of, and yet, at the same time, answered very well another person who saluted him by name." A mother in ordinary sleep will wake at a very slight noise made by her infant, while she will sleep through much louder disturbances which have another cause. By suggestions made through the sense which is open, other channels for the attention may be opened, and the patient led through all sorts of experiences in turn by the operator. Even in ordinary sleep, something

of this sort is not infrequent. The tactile sensibility being the last to expire in this condition, it is often possible, by placing the fingers for a couple of minutes on the forehead or other part of the skin of a sleeper, to lead out the attention, as it were, through the fingers to the voice, and thence to various subjects which one may suggest.

The famous seeing, hearing, smelling, etc., by the pit of the stomach in certain cataleptics, which has played such a part in the history of somnambulism, is attributed by the author to nothing more than this specialization of sensibility. He has made the same experiments, and, to succeed, it was only necessary "to suggest these two principal ideas: . . . first, the fixed idea of only replying to questions made at the pit of the stomach; and, second, that of neglecting words not addressed to the same place." It was the ear that heard, but only under these suggested conditions. The helpless passivity of the mind is illustrated by many cases given by the author. Here is one: "We told a somnambulist that she should see one of her neighbors dressed like a nun. As we had kept her eyes closed during the time we were describing the details of the costume, we were surprised at her perceiving afterwards a nun in wooden shoes and a colored apron; we had forgotten to give her the notion of the shoes of the order, and to abstract that of the apron." Another somnambulist was reading. A screen being interposed between the book and his face, he, of course, ceased to read, but had no consciousness of the screen. His visual attention was only determined to the book, and remained simply vacant when that was cut off from him. The extraordinary intensity with which the attention thus narrowed down receives the reports of the sense to which it may be confined, is established beyond a doubt, and is probably the cause of most of the apparent miracles which somnambulists perform. Two deaf-mutes, treated by the author, became aware of sounds previously unknown to them. A somnambulist distinguished infallibly by his tongue, among six glasses of water poured from the same decanter, one which had been warmed by some one's finger-tips being held over it for two minutes. In the same way the memory may be momentarily exalted.

But now there come phenomena of a still more obscure kind—those in which an idea is received by the mind consciously, but executed outside of the consciousness. Perhaps the most familiar example of this occurs when people go to bed with the resolve to awake at a certain hour, and do so. The measurement of the time here is often much more accurate than any the subject could perform while awake. Other cases are commonly referred to the action of the "imagination" on the body; thus, a sick person thinks her physician intends to purge her, receives a dose of opium, and is purged, etc. "Numerous experiments made on sleepers have corroborated the principle that all thought relative to the sedation or excitement of the vegetative functions is interpreted exactly in the economy. Magnetizers have diminished, by suggestion, the pulse of somnambulists. We have succeeded by suggestion, in somnambulists, in slowly producing the congestion of a very limited part of the cutaneous surface; and we have in like manner determined hæmorrhages of mucous membranes for a time fixed in advance. We have made them small or abundant as we pleased, and we have caused them to continue or to cease." "We have affirmed to several somnambulists that they should be purged, either immediately or a long time after awaking; we defined the number of diarrhetic evacuations, and without their retaining any idea of our intervention, these effects, the development of the fixed ideas imposed, were realized, point by point. . . . In order thoroughly to convince ourselves of the reality of the acts suggested and accomplished, we ordered during sleep that subjects should sing after awaking who had never had the habit of doing so; we induced them to make, several hours and even several days later, inconvenient visits, which had no particular motive, or even actions reputed crazy. At the moment indicated, the idea of executing the acts imposed arose in the mind, and while accomplishing them the agents believed firmly that they were acting from their own initiative." "Again, if one present an imaginary idea to the attention of a somnambule, whether it be the idea of an object of vision or of touch, and if he be assured that he shall keep it fixedly for days and even weeks after awaking, the hallucination which results will last out the designated time. We have made thus toothaches and the pains of stigmatization tenaciously persist in persons to whom suffering of this sort was previously unknown."

Dr. Liébault claims that such powers as these in the mind should be enlisted in the service of therapeutics. As the mind calls forth disease in hypochondriacs and hysterics, so it should be employed to banish it. And the state of artificial sleep which enables us to mass the attention fixedly upon one point, or to withdraw it from another upon which it has morbidly accumulated, is the easily manipulated instrument which we may use for the purpose. Of course, all subjects are not equally amenable to the treat-

ment, nor all disorders in subjects that are. The author's claims are not extravagant. He does not profess, like so many of his predecessors, that this is a panacea. But what he says is that, in most somnambules, the power of thought is superior to that of drugs; and, as a large proportion of us all are somnambules, that the mental method of treatment should be more systematically applied by physicians than it has been. Our author complains that the profession has only recognized hitherto in the means of moral medication "an unaccountable and intractable force, designated by the name of imagination. . . . *Prenez ce remède tant qu'il guérit*," said Bouvard. These words are profound. . . . There should no more be an aristocracy of remedies than of physicians, and as soon as we can purge a patient with opium, or with nothing at all, let us do so." As a contribution to moral medicine of more value than the records of animal magnetism, the author gives an account of his own practice. It is not very extensive (he appears to be a country physician, and only to have tried the power of sleep in a limited number of his cases), but failures as well as successes are candidly reported, and the total result should certainly encourage other practitioners to follow in his traces. The most satisfactory item is that of "anemia." Out of 39 patients only 7 failed to be impressible. Of the remaining 32, who were amenable to moral means, he tabulates the results thus:

Anemias treated.	No.	Radi- cal cure.	Very prob- able cure.	Tempo- rary cure or relief.	Fall- ure.
1. By affirmation while awake, . . . . .	5	3	2	—	—
2. By affirmation during charm, . . . . .	18	7	2	9	—
3. By affirmation during somnambulism, . . . . .	9	6	—	2	1

Of the other disorders treated, most seem to have had a more or less nervous element. The largest contingent of success was in relieving pain and discomfort in a great variety of cases. There are some other very remarkable cases of relief (*e. g.*, *phthisis pulm.*), but the number of cases is too small to draw conclusions. Of course, the principle in suggestion is to divert the attention, to displace it from morbid symptoms, and to concentrate it upon functions which are torpid. To practitioners who are desirous of trying their success, we cordially recommend the perusal of this book. They will find in it a great many sagacious practical hints, besides many observations promising to be of scientific importance, which we have had no space to note. It seems high time that a realm of phenomena which have played a prominent part in human history from time immemorial should be rescued from the hands of uncritical enthusiasm and charlatanry, and conquered for science; and this will never be done unless educated medical men, who are daily forced up to the very threshold, shake off the discreditable shyness which has hitherto characterized them, and walk boldly in to take possession.

#### GEORGE SAND'S MADEMOISELLE MERQUEM.\*

MADAME SAND's last novel—the last in a very long list, the reader will remember—is decidedly not one of the best of her works; but as it has enjoyed the rare fortune of being translated in this country, a few critical remarks may not fall amiss. The time was when Madame Sand's novels were translated as fast as they appeared, and circulated, half surreptitiously, as works delightful and intoxicating, but scandalous, dangerous, and seditious. To read George Sand in America was to be a socialist, a transcendentalist, and an abolitionist. You may obtain from the biography of Margaret Fuller an impression of the sort of influence which she exercised in certain circles, and of the estimation in which she was held; of the large credit attached to her philosophical and didactic pretensions, which seem to us somewhat vain; and of the apparent indifference bestowed upon her vast imaginative and descriptive powers. One of Miss Fuller's first acts on reaching Paris, we learn from her life, was to call upon Madame Sand, effecting thereby, as it seems to you in reading the life, a very curious and anomalous conjunction. It may be added, however, that although George Sand figures in Miss Fuller's memoirs, the brilliant American is not mentioned in those of her illustrious sister. For ourselves, the first occasion on which Madame Sand became to us something more than a name was on the perusal of a chapter in Thackeray's "Paris Sketch Book," in which the author, in a moralizing mood, pulls to pieces one of her novels. The work in question was "Spiridion," from which, unfortunately for his intent, he translates a passage of some length. We cherished the passage in our memory—and indeed the writer admits its great beauty—but we retained a very vague impression of the drift of

Mr. Thackeray's sermon. The impression was vivid enough, however, when subsequently we came to read "Spiridion" (which we must premise to be a tale of a purely religious cast, without incidents and without love, without the mention, indeed, throughout of a woman's name), forcibly to suggest the reflection that it was a piece of signal impertinence in the author of the "Sketch Book," holding, as he obviously did, the lightest and most superficial religious opinions, to measure his flimsy convictions against the serious and passionate ideas propounded in Madame Sand's work. We can perfectly well understand that Thackeray should not have liked "Spiridion"—to ourselves it is not an agreeable book—but there can be no better instance of that superficial and materialistic quality of mind which constantly chafes the serious reader of his novels, than his gross failure to appreciate the relative dignity of Madame Sand's religious attitude and of his own artificial posture. But these are things of the past, and possibly best, forgotten. The last of Madame Sand's novels translated in America was one of her prettiest tales, "Teverino," which, we believe, had but little success. Since "Teverino" the author has produced a vast number of romances, and exhibited a greater fecundity, we think, considering the quality of her work, than any writer of our day. With all her precipitation, not one of her tales (we believe we have read them all) can be said to have forfeited the claim to literary excellence. This is certainly more than can be said for the productions of her *confrères*, Messrs. Dumas and Eugene Sue.

Your foremost impression, we fancy, on reading the work before us, "Mademoiselle Merquem," is of the extraordinary facility in composition begotten by the author's incessant practice. Never has a genius obtained a more complete and immediate mastery of its faculties. In the pages before us they seem to move not, as in common minds, at its express behest and injunction, but in harmony with its very instincts, and simultaneously with the act of inspiration. This perfect unity of the writer's intellectual character, the constant equilibrium of the powers reigning within its precinct, the confidence with which the imagination appeals to the faculty of utterance, and the radiant splendor which the latter reflects so gratefully from the imagination—these things, more than any great excellence of form in particular works, constitute the author's real claim to admiration and gratitude. These things it is which bestow an incomparable distinction on this actual "Mademoiselle Merquem" far more than any felicity of selection in the way of events and characters. The narrative gushes along copious and translucent as a deep and crystalline stream, rolling pebbles and boulders and reflecting all the convex vault of nature. Madame Sand's style, as a style, strikes us as so far superior to that of other novelists, that while the impression of it is fresh in your memory, you must make up your mind to accept her competitors wholly on the ground of their merits of substance, and remit for the time the obligation of writing properly. The great difference between the author of "Consuelo" and "Mademoiselle Merquem," and the authors (let us say) of "The Newcomes" and of "David Copperfield," is, that whereas the latter writers express in a satisfactory manner certain facts, certain ideas of a peculiar and limited order, Madame Sand expresses with equal facility and equal grace ideas and facts the most various and the most general. The things which we can imagine Thackeray and Dickens attempting to say will be found on reflection, if we are not mistaken, to be but so many variations of a small number of stock ideas and images. Thackeray will say nothing that cannot be said humorously, colloquially, and lightly—in the light sentimental manner, at best. Dickens will say nothing that cannot be said specifically—applied to a particular person or thing. But the movement of Madame Sand's thoughts seems to us as free as the air of heaven. They progress with equal ease to the right hand and to the left, and she considers and contemplates all things with a superior and impartial mind. You do not feel that she looks at the world in any degree as a specialist. She handles men and women, the rich and the poor, the peasant and the noble, the passionate and the joyous, with equal sympathy and power. This characteristic gives to her descriptions of natural scenery and of personal character a breadth and profundity which we miss in corresponding passages in other novelists. We shall perhaps be excused for attempting to illustrate the sense of our words; and we choose for the purpose a short description of mountain scenery in "Teverino," premising that it is one of a dozen in the same work, and that it appears to be flung upon the paper absolutely without effort and without the consciousness of doing a fine thing:

"Our travellers had reached the summit of a long and painful ascent, and on emerging from the bed of rock in which they had been confined they saw an immense valley stretched out beneath them at a giddy depth. From the plateau on which they stood gigantic rocks, crowned with snow, still lifted themselves towards heaven. Nature was bare, grotesque, frightfully romantic; but before them the road, descending with a rapid inclination, plunged in a thousand picturesque contortions toward the

\* "Mademoiselle Merquem: A Novel. By Madame George Sand." New York: G. W. Carleton & Co. 1868.



gradual slopes of a region fertile, smiling, and richly colored. What could have been more beautiful than such a spectacle at sunset, when through the angular framework of the Alpine scenery you discovered the splendor of the fruitful soil, the blooming sides of the intermediate hills, all glowing with the western fires, the gulfs of greenness unrolled into space, the enkindled streams and lakes scattered like burning-glasses through the mighty picture, and, further still, the belts of blue, mingling but unconfounded, the violet horizon, and the sky sublime with light and transparency."

There are in modern novels descriptions more elaborate than this, more *précieuses*, as the French say, but none, we imagine, more free, comprehensive, and sincere. The mind producing it seems not to have isolated and contracted itself in the regions of perception, but to expand with longing and desire.

Madame Sand's literary career has been, as the reader knows, a very long and eventful one. It is marked by a vast number of moral and intellectual stages or stations, and now, towards its close, it assumes a form in which the sagacity and serenity of age are very finely blended with the freshness and lightness of an immortal imagination. "Mademoiselle Merquem" bears the stamp of an intellect weary of the contemplation of disorder, and of an inventive faculty for which, not to move and act—not to frolic through space like another Ariel—is simply to die. Herein resides both the strength and the weakness of Madame Sand's imagination. It is indefatigable, inexhaustible; but it is restless, nervous, and capricious; it is, in short, the imagination of a woman. The romance before us is conceived and executed with a heartiness, a good faith, a spontaneity, which assuredly justify our use of the word "immortal." Madame Sand will die, but not her imagination. "Teverino," from which we have quoted, bears the date of 1845. Now there is no story which, as a composition, more truly than "Teverino" lives and breathes, unless it be "Mademoiselle Merquem."

The author's faculties seem not merely to have preserved themselves, but to have undergone a positive rejuvenescence. Nevertheless, we confess that we prefer her earlier works. Her later novels are almost too limpid, too fluent, too liquid. The creative spirit is well-nigh too impersonal, too impartial, too ethereal. A couple of years ago Madame Sand published a tale, "Le Dernier Amour," which, in spite of a very disagreeable subject, seemed to us as we read it the last word of narrative art. The progression of the story was as noiseless, as unrelenting, as the luminous growth of the moon. Nevertheless, as we say, we have a vague preference for the earlier tales, in which an occasional crudity or a fitful turgidity of diction appeared to remind us that we were dealing with literary and not with vital phenomena. Madame Sand's masterpieces, however, are scattered throughout her career, and in many cases stand cheek to cheek with some of her most trivial works. "Simon" appeared in the same year with "Mauprat," and "Les Beaux Messieurs de Bois-Doré" about the same time as that marvellous romance of "La Daniella." But taking it as a whole, and judging it in a liberal fashion, what a splendid array does this career exhibit! What a multitude of figures, what an infinite gallery of pictures! What a world of entertainment and edification! From our own point of view there has been none in modern years to compare with it, and to find a greater magician we must turn to the few supreme names in literature. Madame Sand is said to have celebrated but a single passion—the passion of love. This is in a great measure true; but in depicting it she has incidentally portrayed so many others that she may be said to have pretty thoroughly explored the human soul. The writer who has amply illustrated the passion of love has, by implication, thrown a great deal of light on the rest of our nature. In the same way, the writer who has signally failed to achieve an adequate conception of this vast object, must be said to remain an incomplete and partial witness. This is the case with Balzac, in so many respects Madame Sand's superior, and who is never to be considered as slighted by any praise bestowed upon his comrade. Balzac's merits form a very long story, and he is not to be dealt with in a parenthesis. An intelligent reader of both authors will, at times, be harassed with the feeling that it behooves him to choose between them and take up his stand with the one against the other. But, in fact, they are not mutually inimical, and the wise reader, we think, will take refuge in the reflection that choosing is an idle business, inasmuch as we possess them both. Balzac, we may say, if the distinction is not too technical, is a novelist, and George Sand a romancer. There is no reason why they should not subsist in harmony. A large portion of the works of both will eventually be swept into oblivion, but several of the best productions of each will, we imagine, survive for the delight of mankind. Let us softly add the expression of our belief that for Balzac, booked as he is for immortality or thereabouts, this is a very happy circumstance. You may read "Consuelo" and "Mauprat," and not be ashamed to raise your eyes from

the book to the awful face of Nature. But when you have been reading "Le Père Goriot" or "Un Ménage de Garçon," you emphatically need to graduate your return to life. Who at such a moment better than George Sand can beguile the remorseful journey, and with "Consuelo" and "Mauprat," or even with "L'Homme de Neige" and "Mademoiselle Merquem," reconcile you to your mortal lot?

### POMEROY'S CONSTITUTIONAL LAW.\*

IN Professor Pomeroy's new work we have, what has been long a desideratum, a medium-sized volume combining a judicial exposition of the text of the written Constitution with a statesmanlike investigation of the source from which it derives its authority, as the primary act of public law.

It is remarkable that all the older writers have substantially ignored the underlying enquiry upon which the relative authority of the Constitution, as necessarily referable to some one or other political source, depends. They have directed much of their effort to a defence of the political value or expediency of the frame of government prescribed by the Constitution. But this was a task which had fallen upon a previous generation, and which had been so ably performed for it by the authors of the "Federalist," that their successors the commentators, in attempting to do the same thing for their own contemporaries, have been obliged to repeat their language. Nearly the whole of the "Federalist" may be found cited by Story. But all this vindication of the existing fundamental law is now obsolete. The Constitution stands a matter of fact, and its authority dispenses with the need of recommendation. The question is to understand it as matter of fact in two aspects—to know, first, From whom it proceeds, or, Why it continues to be law; and, secondly, What it requires.

There is a difference of opinion as to the relative importance and, indeed, propriety of these enquiries. The legal effect of the written instrument is obviously the subject of constitutional law, as it is ordinarily spoken of, and is the subject of professional explanation. Constitutional law, thus regarded, is constantly growing and developing itself, through the related operations of the judiciary and State and Federal legislation. We must, therefore, expect that new summaries from time to time will be needed. Many of the questions treated by the earlier writers at the greatest length, and as being most open to discussion, have become settled by judicial usage, and the events of the last ten years have brought out new classes of questions which are yet more or less subjects of controversy and which require renewed professional study. Mr. Pomeroy has the faculty of expressing legal ideas with clearness. He has been industrious and judicious in the classification and analysis of the authorities on particular questions, and the extent of the examination which they respectively receive is proportioned to their practical importance in view of the exigencies of the present time. His work deserves, too, to be commendably distinguished from a mere running commentary on the text of the Constitution. In general plan and development it corresponds with the character of the subject matter, as being the public law of a nation. Without caring to justify or defend the Constitution, as containing provisions more expedient than others which might be devised, the author gives much attention to what might be termed the legitimacy of the Constitution; or, in other words, to what is the only other question of fact, besides that of its legal effect, which can arise—that is, From whom does it proceed, or by whose will does it continue to operate as law?

Some may be disposed to ignore this enquiry as dangerous to the authority now accorded to the instrument; and to persuade themselves and others habitually to regard it as an inevitable and self-ordained something, which has supreme political force *ex necessitate*, inconsistent with the recognition of anything higher in order of time or in relation of cause and effect than itself. Mr. Pomeroy begins with this enquiry as a fundamental one in the public law. In the view commonly received as to the origin and authority of the present Constitution, it is ascribed to voluntary compact between the political organizations of the people which succeeded to the original colonies; each of these is supposed to have constituted a State, in the general and large sense of the word—that is to say, a separate and independent nationality. On this statement of its historical genesis it has been held, by one class of jurists, that a new political body, with national rights, powers, and sovereignty, was formed by the compact. By another class it has been held that no such result followed, or was contemplated; but that these rights and powers were only delegated to a government agreed upon, while the in-

\* "An Introduction to the Constitutional Law of the United States. Especially designed for students, general and professional. By John Norton Pomeroy, LL.D." New York: Hard & Houghton. 1868.

dividuality and capacity of the compacting parties continued after, as before, the agreement. The first class affirmed the indissoluble nature of the union of the States as the result of grant and contract. The other affirmed its constant dependence on the will of the parties to the compact of government, that is, the several States, as being always individually sovereign in their essence. Some writers and jurists, though few, it may be, as compared with those legal and political authorities who have supported the two views above stated, have maintained that there is no place for any such question as to the dependence of the national unity upon the character of the Constitution; that, as matter of historical fact, the existence of a nation, or of a unitary political people, is independent of the existence of the States, and that when the States came into existence they became such only in being organic parts of a whole; the acquisition of independent power was by the people as a nation. No state ever was, severally, in possession of sovereignty or independence. The government, under the articles of confederation, was, in fact, a temporary usurpation by the State governments, as against the political people, of powers, for national purposes, which had never been confided to these governments. This theory is that which Mr. Pomeroy accepts.

It follows, naturally, from this theory of the national Constitution, that Mr. Pomeroy inclines to the support of the powers of the general Government, when the question is of their extent as compared with those of the States, and asserts the interpretation of the written Constitution to be the prerogative of this Government and not of the States. Also, as between the departments of this Government, he holds that the Supreme Court is the final interpreter, its decisions being "binding not only upon the parties to suits litigated before it, but upon the several States and upon the executive and Congress," a doctrine which hitherto has been maintained by "general assent, and which can be established by considerations drawn from the Constitution and from the nature of our Government, which seem to be absolutely irresistible." The principle that each department of the Government was the sole judge of the extent and character of its powers under the Constitution, an independent interpreter of that instrument, had been entertained by Presidents Jefferson and Jackson. But the author points out as dangerous a modern school of theorists, "representing ideas new in this country, who would raise Congress to a position equal in power to that of the British Parliament, would reduce the executive to the political level of the British crown, and entirely destroy the judiciary as a co-ordinate department of the Government." In a chapter on the three co-ordinate departments the author very earnestly expresses his conviction of danger that, in the inevitable struggle between them, the popular branch, or the legislative, will obtain and hold the ascendancy:

"The Constitution is well so far as it goes; the design was good; the checks and balances were carefully and skilfully arranged; but no mere organic law can place a lasting barrier to the advance of a popular legislature. Step by step their powers are exceeded; the nation acquiesces; the precedent becomes established; and a system of construction is finally elaborated which takes the place of the written Constitution as a practical guide to the Government in its official duties. Unless the people always give life and force to the complicated machine established by the Constitution, keeping their servants and agents within the bounds assigned, the process described is sure. We may regret it, but we cannot prevent it. The next step would inevitably follow, which would be the consolidation of the national legislature into one body. Should this result be accomplished, the liberties of the people would be gone, only to be regained by another revolution. Nothing could withstand a legislature consisting of one house, practically wielding all governmental power, restrained by no checks of organization or function. No tyranny could equal its tyranny."

As compared with earlier works, more attention has in this been given to the question of impeachment and to the President's powers and duties. It is worthy of notice that so impartial a writer should, before the recent impeachment, have given the opinion that, though the President may not, as a general rule, judge independently of the validity of statutes passed, there may be two exceptions, which we pointed out in the *Nation* of March 5.

It is almost universal to refer, as Mr. Pomeroy does, the security of individual liberty to the States rather than to the national powers. We desire particularly, however, to notice that, in another place, Mr. Pomeroy pointed out as a misfortune or a mistake the fact, or at least undisputed judicial doctrine, that we have never during our national existence had a national Bill of Rights, and that the first eight articles of the amendments are a limitation in favor of private rights only against the powers held by the national Government. We believe there is a very prevalent misconception on this point. Indeed, we have seen the contrary of this statement positively asserted in a work on the Constitution published within the year past. The thirteenth amendment, read in the light of history, will probably be accepted as a prohibition of chattel slavery by State law,

though it is not impossible that, hereafter, we may hear it urged that this amendment too can be a prohibition only against national, and not against State powers. But unless the fourteenth amendment is adopted, life, liberty, and property are dependent, to any extent short of absolute "slavery," which, except as chattel condition, is a vague term, upon the unlimited will of the States, without appeal to the national authority. Who can say how much virtue there will be in the legislative power given to Congress in the thirteenth amendment? The first section of the proposed fourteenth amendment is in these words: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws." When we recall the nature of those police laws which once were enforced in every State of the Union in which slavery existed, we may conceive of the possible bearing of such provisions. Mr. Pomeroy justly considers "this amendment far more important than any which has been adopted since the organization of the Government, except alone the one abolishing the institution of slavery."

It would, indeed, be almost a revolution; it would give to the liberty of the individual inhabitant the will of the nation as its basis, instead of the will of a State. Yet we believe there is a very common prejudice that the State, as the smaller and weaker political power, is a safer trustee than the more powerful nation; as if the individual might hope more successfully to resist an encroachment on his liberty on the part of the State than he could the same on the part of the nation. This feeling is ascribable to the common notion that liberty, as against power, is something not positive but negative; that it subsists by antagonism to power and exemption from law. The fact is, that the smaller the community upon which the liberties of the individual depend, the more uncertain is his freedom. This is evident to reason, and proved by the whole history of feudalism. It is not out of place to remember that when the American colonies acknowledged the crown of Great Britain, the inhabitants, if of European descent, were guaranteed in the possession of individual rights against all governmental authority by the Magna Charta of the English barons, resting on the will of the British nation. During the Revolutionary and ante-constitutional period these rights were allowed, unconsciously it would almost seem, to slip from the broad base of national power, to which they naturally belonged, to the protection of the first guarantee offered them in the form of charter—the State constitutions. In all probability a bill of rights, clearly in regard to both national and state power, would have been prominent in the national Constitution if the status of the negro and Indian races had not, from the earliest period, been left to the independent action of the colonial authorities. Negro slavery fell to the share of State law, and thereby the liberty of the free-born white man fell into dependence on State power, and State rights gathered strength in secret to claim sovereignty against the nation. The day is past now that a national bill of rights, limited to a law of personal extent, should be framed. It must now be law of universal extent; law common to all, *jus commune*, as the common law of England, in England.

One other very important defect in the national Constitution Mr. Pomeroy has also noticed. Admitting that it should be left to the people of each State to determine what persons shall be electors in organizing the State government—

"It is certainly an anomaly that the general Government of the United States should have no control over the choice of its own delegates in Congress. It must be conceded that this is a defect in our organic law which needs amendment; it was an unnecessary and unfortunate concession to the theory of State sovereignty and independence. One code of rules should certainly prevail throughout the country to regulate the choice of representatives, and this should be the work of Congress or of the people in its sovereign capacity. The more national branch of Congress, that which comes directly from the people, should be entirely under the management of the one body politic which is represented in the general Government."

The author's political theory of the origin of the Constitution must, of course, exclude any claim of right in the States severally to withdraw from the Union; inasmuch as it was not founded upon any compact to which they were the consenting parties. The authority of the national Government to resist by military coercion the attempt to divide the Union is affirmed, with all its legal consequences. We are disappointed, however, by finding that Mr. Pomeroy has passed over the question of the effect of attempted secession and armed rebellion upon the political existence of the States. His idea of constitutional law is certainly broad enough to include this enquiry, though thoroughly political in its nature, and not contemplated by the written Constitution. The existence of acts of Congress for the temporary government of certain States, the so-called reconstruction



legislation, must have its place in constitutional history, and constitutional law must either accept or reject it.

We cannot, however, wonder that the author should hesitate in approaching these questions, where the light of judicial decision grows dim and uncertain, and where the enquirer must rely on the soundness of his own first principles and the correctness of his own deductive process. If space allowed, we should be tempted to enquire whether, even admitting his historical basis for the national Constitution, there is not in his conception of "The People," the ultimate possessor of sovereignty, an error which would make any satisfactory conclusion on these points impossible. "The people themselves, the entire mass of persons who compose the political society, are the true nation, the final permanent depository of all power." That this is true in a very general sense, in all countries, irrespectively of their particular form of government, we can admit. But yet we doubt whether it is of any particular value in the public law, or sufficiently precise to distinguish the ultimate power-holders in this republic in the existing crisis in its fortunes.

### DAISY.\*

DAISY RANDOLPH, like her predecessors, Ellen Montgomery, Elfleda Ringgan, and the rest of them, is a too good little girl, who makes a triumphal passage from infancy to maidenhood, discomfiting sinners, fascinating and confounding the ungodly with the sight of so much saintliness in so small a space, and not only earning a title to the goods of the next world, but gaining a more than tolerably fair share of those distributed in this. Most people who read novels know what and how well Miss Warner writes. According to Mr. Matthew Arnold, her "Wide, Wide World" is sure of a place in the "Palatine Library of the future," when the world shall have fallen into the hands of the Philistines; and in the Church of the same period—not Mr. Norton's, by the way, but that treated of in a recent *Galaxy*—her heroines are likely enough to be canonized as saints. Meantime, let us confess that we regard her as a corrupter of ingenuous youth; and the fact that she is so unconsciously—that she apparently cherishes no deep-laid schemes against modesty and meekness, and that greatest of Christian virtues which "vaunteth not itself and is not puffed up," but is, on the contrary, only too confident that she herself is a "guide of the blind, a light of them which are in darkness," only makes the matter more disheartening. It is not impossible to fancy people who write novels of the "Guy Livingstone" stamp as being freed by advancing years and the calamities of life from their carnal bondage, and mourning in sackcloth and ashes over their former misdeeds. But a case like Miss Warner's is hopeless. The Word is made flesh for her in a sense quite other than the theological one. Her books show how the carnal mind, which is enmity against God, may persuade itself that it is possible to overcome that enmity and yet retain all its pleasing carnality. They are sermons preached, as the clergymen say, from the latter clause of the text which promises that under certain contingencies "all these things shall be added unto you." The text is a good one, and the theme it suggests is often enough handled by novelists; but our quarrel with Miss Warner is that she debases and materializes the "kingdom of God and his righteousness" by her interpretation of "these things." The moral of the book is, Be good girls, do up your penance and mortification with the proper flourish of trumpets, and you shall speedily be translated to spheres where silver and china, real lace and heavy silks will be the imperative duties of your position. Look, for instance, at the book under consideration, in which, to be sure, the author set herself an absurdly impossible task. Daisy has not the advantage of being the passive subject of biographic praises; she tells her own story, and what a story it is! It is the confessions of a fair saint after saintship has begun; after the inward foes have been trampled on, and the sole duty of life is to let the celestial light shine on other people. She has to tell how good she is, how modest, how pure, how conscientious—above all, how innocently unsophisticated. To do her justice, she never attempts to shirk her duty; beside her, the young woman who enquired which cow gave the buttermilk was a prodigy of worldly wisdom. Even she would hardly have chronicled the little conversation which ensued between Daisy and her partner at a West Point "hop," on her remarking that there were plenty of ladies present, nor detailed with such pleasing unconsciousness its effect upon him:

"Plenty," he said. "What then?"

"Only," I said, "so many people came and asked me to dance in the few minutes I stood by Mrs. Sandford; and one of them looked quite disappointed that he could not have me."

\* "Daisy." Continued from Melbourne House. By the author of "Wide, Wide World," "Queechy," etc. Philadelphia: J. B. Lippincott & Co. 1868.

"I was met by a look of the keenest enquiry, followed instantly and superseded by another flash of expression. I could not comprehend it at the time. The eyes which had startled me by their steely gleam, softened wonderfully with what looked like nothing so much as reverence," etc.

We don't mean to imply that there are not girls who could make such remarks quite innocently, but then we question their ability to interpret so readily and favorably the glances of the male eye, and totally deny their inclination to write autobiographies to glorify a life-time full of similar experiences. Daisy, however, has no scruples on that head. With a sweet pathos she recounts her sorrow at finding her father not quite up to her standard of goodness, her trials and prayers over the multiplication table, the yearnings of her spirit over her seven hundred slaves, and the good effects on them of the prayer-meeting which she established in her kitchen, presiding herself at the mature age of eleven years, and, as she says, impressing them with the keenest sense of her immeasurable superiority to them. Later, at school, she makes the sacrifice of wearing worsted plaid instead of a merino, and a grey dreadnaught instead of a velvet cloak, thereby bringing down upon herself great scorn from her companions, but much approbation from above. Providence interferes, however, in the person of a mother less conscientious in the matter of spending money than her heroic daughter, and supplies her with India muslins, real lace, Parisian dresses "which she dared not fail to use and wear," and, as a consequence, with the instant adulation of the before contemptuous school-girls. And then her lover! Miss Warner loves a lover, and though her favorite hero is apt to be a Methodist clergyman, she does not disdain, when such a paragon as Daisy is in question, to reward her with one of a more generally acceptable description. The clerical lover is a trifle repugnant to the lay fancy, which finds the purposes of the ideal better served by the celibate orders. Christian Thorold is a West Point cadet who, after such an effusive love scene as one always gets from this writer, goes off to Washington at the first call for troops without any title to his first name beyond the fact of having received it from his sponsors in baptism. To be sure he promises to "earn his name," but Daisy's narrative stops there, and the reader is quite certain that when the war is over he will be as ardent as ever and need conversion enough to give an excuse for another novel.

Considered as a literary work simply, there would be no excuse for devoting so much space to this book. It does not, however, pretend to be a novel merely—it is a religious novel, it aspires to be a teacher. We have no especial fault to find with Miss Warner as a writer. One can get through her books without being seriously displeased by anything but their bad morality. It is bad morality, we take it, to set up a material standard of excellence and reward it by a material success, to substitute a process of accretion for a process of growth, to preach the duty of giving up "hops" and outward adornments and ignore the absence of modesty and honesty and self-knowledge. Miss Warner does all these things, and that she does them not wilfully but through ignorant misapprehension of the nature of virtue, and does them under the assumed sanction of a sacred name, only makes the duty of calling her attention to the fact more imperative.

*The Poetical Works of Sir Walter Scott, Bart., containing "The Lay of the Last Minstrel," "Marmion," "The Lady of the Lake," "Don Roderick," "Rokeby," Ballads, Lyrics, and Songs. With a Life of the Author.* (New York: D. Appleton & Co. 1868.)—The volume that contains all this is a book of more than six hundred clear-faced, handsome pages, in larger print than one would have supposed possible, on good stout paper, and with a neat paper cover. We are very glad that Messrs. Appleton are able to sell such a book at the low price they have set upon it. In the whole range of English literature it would be very hard, if it would not be impossible, to find an author who so completely as Scott unites in himself all the qualities that go to the making of a thoroughly healthy writer for the average reader. To love him (*perant qui ante nos*, etc.), is a manly education. What with this volume of the poems, which is sold for half-a-dollar, and the tartan-covered edition of the novels, which is sold at twenty-five cents a volume, the complete works of this delightful author may very well be in the hands of every boy and girl in the country.

*Pictorial History of the Civil War in the United States of America.*—By Benson J. Lossing. Illustrated. (New York: T. Belknap & Co. 1868.)—Mr. Lossing's second volume extends from the battle of Bull's Run to the capture of Vicksburg and Port Hudson. To the labor of compilation necessary in the preparation of this as of the first volume the author has added that of visiting in person the battle-fields of the South, and the result

is a record—for more than this his history does not pretend to be—that will take a very high, if not the first, rank among similar chronicles of the rebellion. All things considered, we incline to give the preference to "Harper's Pictorial History," although in point of fulness, so far as we have compared the two, Lossing's seems to be superior. But this is often because the latter preserves details, such as the names of ships and the commanders of petty forces, which obscure the general effect of the narrative; or, as foot-notes, fill a certain amount of otherwise valuable space. Not seldom, however, as in his account of the capture of Port Royal, he thus saves incidents which are petty only in comparison with great events, and which are both enlivening to the story and an aid to the just comprehension of it. The quarto Harper's—a form determined by the size of *Harper's Weekly*, from which the plates are borrowed—is afflicted with more and huger useless illustrations than is Mr. Lossing's octavo volume, of which the engravings are often of trivial enough subjects, but never disfigure half or the whole of a page, and consist largely of portraits. In this last respect, however—contrary to what is the case with landscape views, which are nearly as effective on a small as on a large scale—Harper's has an easy supremacy, Mr. Lossing's miniatures suffering by their reduction, and too frequently, besides, doing little but suggest to one who knows the person sought to be represented. The author promises his third volume after a much shorter delay than that which preceded the appearance of the present, owing to the Southern journey already alluded to.

*Harper's Phrase-Book; or Hand-Book of Travel-Talk for Travellers and Schools.* Being a Guide to Conversations in English, French, German, and Italian on a new and improved method. By W. Pembroke Fetridge. (New York: Harper & Brothers, 1868.)—This is a very neatly executed little work of three hundred pages, which American travellers on the European continent will find very convenient to have in their bag or pocket. The type is so distinct and clear that even he who travels running can read it. The conversations, which consist chiefly of questions "put in such a form that they can be answered by *Yes* and *No*," without the addition of the customary answers in detail, embrace a large number of phrases for use in every-day intercourse in and out of the hotel, while a hundred and twenty pages are filled with an ample vocabulary arranged according to matter. Phrases and words are the same in all the four languages. A few conjugations are added, as well as rules for pronunciation of the French, German, and Italian. These rules are, of course, concise, and not much burdened with exceptions. They form, perhaps, that portion of the book which most entitles the author to speak of improvement on similar productions. The omission of detailed answers we believe to be a feature of more questionable utility, especially for schools. The accuracy of some of the "rules," too, may be disputed. Thus, we should not explain the French sound, *u*, by stating that the nearest to it in English "is *oo* in *moon*." Nor should we state that the German *g*, excepting the final syllable *ig*, "ought always to have the hard sound like the English *g* in *garden*," which it hardly has in *genug*, and certainly not in *weg*, etc. In general, however, we must speak with high praise of the correctness of this hand-book; misprints or inaccuracies—like "*Das Kamin*" for "*Der Kamin*" (p. 187), or "*albergo*" and "*Arbergo*" for "*Albergo*" (p. 183), in a phrase differently rendered in the different languages—being exceedingly rare.

*Russian and English Phrase-Book, specially adapted for the Use of Traders, Travellers, and Teachers.* By Agapius Honcharenko. (San Francisco: A. Roman & Co. 1868.)—"Our relations with the coasts of Asiatic Russia," says our author in his brief prefatory remarks, "are but just commenced, and must grow to be more and more important with every year; and for every purpose of amity and commerce a knowledge of the Russian language must be of the greatest advantage to the Americans of the Pacific coast. . . . To assist in spreading the knowledge of this tongue we have established the first Russian press ever put up in America." A good and useful enterprise, indeed, which we wish may turn out to the advantage of all concerned—Americans and Russians, authors and publishers. The first product of this our "first Russian press"—a little book of 100 pages—has a decidedly good look. The Russian part of the "Phrase Book" is clear, fine, and very correct. The English part, however, ought to have been made considerably more correct. But this is a defect which but little interests the American student of the language, and can very easily be avoided in future productions. What we find necessary to point out here is, that the English equivalents for Russian letters are in many cases faulty. The equivalent for Zhiviyete is not the English but the French *j*, that is, the *zh* of many of our pronouncing dictionaries; for Khyer, not the

English but the German *ch*, that is, *kh*; for Tzi, not the English but the Polish *c*, that is, *ts* or *ts*; for Shtcha, not *sch*, but *shch* or *shch*. The addition of Latin *bonus*, *bona*, *bonum*, declined in both numbers, to the Russian declension table might have considerably aided the author in convincing some, at least, of his contemplated scholars that a language which has *dobriy*, *dobraya*, *dobroye*, *dobravo*, *dobromu*, *dobrim*, *dobrom*, *dobriye*, *dobrikh*, etc., etc., for *good*, is not necessarily a barbarous one, though it may not be, as Mr. Honcharenko states it, "quite easy."

*Aldeane.* By Laura Preston, author of "In Bonds," etc. (New York.)—Aldeane is a young woman whose history is full of romantic possibilities. She is not beautiful—which is a point Miss Preston should have made more of. She has that wide mouth which has made the fortune of many a heroine, and she is a governess who marries into her employer's family. Moreover, a great mystery surrounds her. Supposed to be the daughter of her mother and the sister of her brother, she turns out to be the niece of the one and the cousin of the other, and sustains to a morose and malignant step-father only that slight degree of kinship which would naturally flow from her being the child of one whom he had vainly loved in his youth. Under these circumstances she goes South to teach, and not being tainted with any pestilent Northern heresies, finds there the warmest and most chivalrous friends. Her employer proves to be not only her father's brother, but another of the unfortunate victims to her mother's charms—which facts, when discovered, strengthen greatly his attachment to Aldeane herself. Also, she is sought in marriage by a discharged and disreputable overseer of venerable years, who is implicated in some deeply mysterious manner in the family secrets. Not only this, but she finds another relative in a magnificently handsome man, called George Raymond, supposed to be a wealthy Northerner, but really a runaway slave, the son of Aldeane's father and a negress, who appears in the story as a somewhat demoralized old cook, but whose youthful beauty is said to have been great. Raymond is employed in making love to one of Aldeane's pupils, in order, by marrying her, to revenge himself for the ill-usage he received when a boy from her mother. He is drowned on the eve of marriage, but as his betrothed dies broken-hearted for his loss, his labors seem to have been not quite in vain. At last Aldeane's father, who has been missing, and supposed to be dead for years, turns up all right, recognizes his daughter, and makes her one of the wealthiest of Southern heiresses, which, as she is a young person capable of reflecting that "though she is poor she is human," and of asking her lover once on a time if he takes her to be "a block of sculptured marble," is a reward not disproportional to her merits.

Miss Preston is a Californian novelist, whose previous writings we have not read.

#### BOOKS OF THE WEEK.

Authors.	Publishers.—Price.
Brockett (Dr. L. P.), Men of Our Day . . . . .	(Zeigler, McCurdy & Co.) \$0 30
Challen (J.), Island of the Giant Fairies, a Poem, swd . . . . .	(Howard Challen) 1 00
Du Huys (C.), The Percheron Horse . . . . .	(Orange Judd & Co.) 0 50
Good Stories, Part IV., swd . . . . .	(Ticknor & Fields) 0 50
Holmes (Rev. P.), Tertullian against Marcion, trans . . . . .	(Chas. Scribner & Co.) 0 50
Leland (C. G.), Hans Breitmann's Party, swd . . . . .	(T. B. Peterson & Bros.) 1 00
Lives of General U. S. Grant and Schuyler Colfax . . . . .	(T. B. Peterson & Bros.) 1 50
Moore (Rev. A. Y.), Life of Schuyler Colfax . . . . .	(T. B. Peterson & Bros.) 0 50
Scott (Sir W.), Complete Works, swd . . . . .	(D. Appleton & Co.) 18 00
Spent (K.), True of Heart, a Tale . . . . .	(Virtue & Yonston)
Ruskin (J.), Modern Painters, 5 vols. . . . .	(John Wiley & Son)
Wallis (Rev. R. E.), Writings of Cyprian, Vol. I., trans . . . . .	(Chas. Scribner & Co.)

## Fine Arts.

### THE FINE ARTS OF JAPAN.

#### II.

THE large prints in color, described in our last, are very popular art indeed; they are low priced, costing only a few cents in Nagasaki, and are produced by thousands for the most every-day decorative uses. Still lower priced are the round fans, now so common in all our cities, made of paper printed with bright-colored pictures, and stretched upon the spread splinters of split bamboo. As cheap and common as anything can be are some of the small books in which the letterpress and the pictures are mingled together on the same page, and printed apparently, like a page of *Harper's Magazine*, at one impression. There are many differences between the different kinds of this popular art, many peculiarities of the different artists who have produced it, and many points in which it is manifestly inferior to the more carefully executed work of a higher class, especially to the remarkable works which we are taught to ascribe to Oksai, of



which more hereafter. But the remarkable thing about all the Japanese pictures is their similarity of style, as if all should be the work of a guild of designers within whose body the traditions of this strange art are preserved. It cannot be said that its methods of representing objects are uniform. On the contrary, those things which the Japanese artists best understand, as flowers and leaves, birds, insects, and reptiles, are drawn without formality, with absolute freedom, and with almost absolute truth. But the fact itself that a flower or a flying bird is given as firmly, with as few lines and with the same general touch in the cut on a cheap fan as in the most elaborate printed picture, is, to artists of European training, proof sufficient of the existence of some permanent and authoritative system of teaching, of a school, in the true sense of the word, in which all the draughtsmen of Japan have learned to draw, and in which all the decorative designers have gained their knowledge of a general system of decoration. To compare this for a moment with our own popular art: the recently published cuts after drawings by Mr. Homer are remarkable for the freedom of drawing they display, for the vigor of gesture and general truth of action of the various figures. If one can imagine a whole race of artists taking after Mr. Homer in these good qualities of his work—for instance, the designers of the illustrations in the *Ledger* on the one hand, and those of the title-pages of popular music on the other—he can also understand that it would seem evident that some common influence would be discoverable which would sufficiently account for the strong resemblance. And that is precisely the case in Japanese picture-making, in which manifestation of human intelligence there is to be seen a most extraordinarily diffused power over subjects of art generally considered difficult.

If, however, we assume that this general and similar power is the result of a general and similar training, the strange part of it will be not the similarity and wide diffusion of the power, but its character and degree. All oriental fine and decorative art is traditional, proceeding by fixed principles and allowing of invention only within precise limits. Japanese art is confined within very positive limits; thus, we have seen already that it is without shadow and almost without shade, and we shall see hereafter that its limitations in the matter of sentiment are even more marked; but within its pale it can do so much, it is so mobile and active, it contains so much clear expression of a kind of thought which we generally suppose modern and occidental, that it has been a wonder to all European artists and critics. We are generally content to suppose, in a vague sort of way, that to a Chinese artist a bird is a bright colored thing of pretty shape, useful for decorative painting on porcelain, and although this is inaccurate enough, it is not so obviously false as to correct itself. But this could never be supposed of the Japanese work. A large print, representing a branch of *Camelia Japonica* with flowers and leaves, and a bird perched upon it striking at a moth, will be so free and truthful in drawing and contain so much knowledge and so much vivacity of expression as to be a noticeable work of art among any collection whatsoever of drawings of natural detail. Especially wonderful is their way of representing flying birds; that subject rather repels Western artists, who mainly avoid it and generally fail when they try it; but the Japanese would seem to have, as a people, better eyes than we, for flying birds are as accurately rendered in their pictures as the same birds seated on a branch, and the freedom and rapidity of motion expressed is nearly always most striking and inimitable.

Another premise must be mentioned before we reach the conclusion which seems inevitable: this peculiar art—wholly distinct from the art of China, and, independent of what we consider the commonly accepted laws, beyond all experience—this strange development in the farthest East of a

school of drawing founded firmly upon observation of nature—is new; a century and a half will certainly include its whole duration to the present time. It seems that Japan, as it was known to Europeans in the seventeenth century, had not this remarkable art, but a decorative and representative art more nearly resembling that of the Chinese, more mannered, stiffer, more exclusively decorative and symbolical. The few pieces of unquestionably ancient Japanese art that have come under our notice have borne out this statement. The old work was not like the Chinese so as to be mistaken for it, but was akin to it; whereas the modern work is of the peculiarly original and bold character we have tried to describe.

Now, there exists a series of works of the most extraordinary merit, in their way, which are ascribed to an artist of the eighteenth century, a man who died in 1780 or thereabouts, and whose name the French writers give as Oksai, the English as Hoxai. We have no knowledge of him beyond the floating traditions of his name and date, and the ascription to him of the works of art in question. We hear of original paintings by him, of great merit and highly prized in Japan; but the only works which have reached the West are the books of prints after his designs.

These books of prints are not very large or strong; they have an uniform size of six by nine inches, and contain from forty-two to fifty-four pages. The set appears to comprise either twenty-four or twenty-seven volumes, although Mr. W. M. Rossetti has stated, in the *Chronicle*, that there are thirty-five separate parts. Mr. Rossetti describes in full one book of the series that we have never met with, and we have seen nineteen of them. They seem to be a sort of encyclopedia of illustrations. Whether the idea of making the series was historical, to record the world as the artist saw it, or decorative—to supply subjects and motives to the designers who should come after him—whatever the original intention the result is a perfect microcosm of pictures. We shall select one book for brief description, taking it because the impressions of the cuts are the clearest within reach: for these books are evidently very popular and the blocks hard-used and much worn. Opening at the right hand, or the end of an European book, we find, first, three pages of letterpress and, what is not usual, an ornamented title. Some of the Oksai series have very elaborate and tasteful title-pages. The first picture is on a left hand page, and represents a man clothed in a rich robe walking along a raised terrace or roof, and carrying, raised high in both hands, a black box about sixteen inches long and a little less in height and depth. This may be the author carrying his casket of treasures. The next subject fills the two pages which face one another; a maiden kneels before a superb and stately warrior, and offers him a square tray, upon which a paper lies open, and upon this a branch covered with blossoms. The chieftain, perhaps a daimio, perhaps only a yakonin of power and influence, is armed with two swords, bow and quiver; he has thrown upon the ground his huge umbrella-like hat, and extends his right hand for the offering. In another double picture three women are spinning with a curious upright machine with a windlass, and folding cloth around a revolving drum. In another a field of grain or grass is seen, and a path winding through it; a man sits under a tree upon which his sword and a great wooden hoe are hung, and seems to have bought a book of a young woman who stands before him with three packages, apparently containing books; she is about to go, while the man has laid his book open before him. In all these the erect figures are about six inches high. The pictures are printed in black and two shades of blue, except the first one, which has red in it as well, and a brown and a purple, which may have been produced by printing one color over another.

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